

# Union Calendar No. 551

112th Congress, 2d Session - - - - - House Report 112-749

## FOURTH SEMIANNUAL REPORT ON ACTIVITIES DURING THE 112TH CONGRESS

(JUNE 28, 2012 TO JANUARY 3, 2013)

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### R E P O R T

OF THE

### COMMITTEE ON AGRICULTURE U.S. HOUSE OF REPRESENTATIVES



January 3, 2013.—Committed to the Committee of the Whole House on  
the State of the Union and ordered to be printed

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WASHINGTON : 2013

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## LETTER OF SUBMITTAL

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON AGRICULTURE,  
*Washington, D.C., January 3, 2013.*

Hon. KAREN L. HAAS,  
*Clerk of the House of Representatives,*  
*Washington, D.C.*

DEAR MS. HAAS: Pursuant to rule XI, clause 1(d), of the Rules of the House of Representatives, I herewith submit to the House a report of the activities of the Committee on Agriculture during the fourth quarter of the 112th Congress.

With best wishes, I am

Sincerely,

Hon. FRANK D. LUCAS,  
*Chairman.*



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## Union Calendar No. 551

112TH CONGRESS 2d Session	} HOUSE OF REPRESENTATIVES	{ REPORT 112-749
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### REPORT OF THE COMMITTEE ON AGRICULTURE ON ACTIVITIES DURING THE 112TH CONGRESS

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JANUARY 3, 2013.—Committed to the Committee of the Whole House on the State  
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Mr. LUCAS, from the Committee on Agriculture, submitted the  
following

### R E P O R T

In accordance with rule XI, clause 1(d), of the Rules of the House  
of Representatives, the Committee on Agriculture reports herewith  
on its activities during the 112th Congress.

#### I. SUMMARY OF ORGANIZATION, JURISDICTION, AND OVERSIGHT PLAN OF THE COMMITTEE ON AGRICULTURE

##### A. ORGANIZATION

The House of Representatives established the total authorized  
membership of the Committee on Agriculture for the 112th Con-  
gress at 46, with a party division of 26 Republicans and 20 Demo-  
crats. Among the committee members were 16 Representatives who  
were serving their first terms (Gibbs, Austin Scott, Fincher,<sup>†</sup> Tip-  
ton, Southerland, Crawford, Roby, Huelskamp, DesJarlais, Ellmers,  
Gibson, Hultgren, Hartzler, Schilling, Ribble, Sewell, and Noem<sup>‡</sup>).

##### SUBCOMMITTEE ASSIGNMENTS

(Ratio includes *ex officio* Members.)

(Frank D. Lucas, Chairman, and Collin C. Peterson, Ranking Mi-  
nority Member, are *ex officio* Members of all Subcommittees.)

The Committee organized on January 25, 2011, into six sub-  
committees, five of which were assigned jurisdiction over major ag-  
ricultural commodities and one that dealt with various related agri-

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<sup>†</sup> Resigned from Committee May 11, 2011.

<sup>‡</sup> Appointed to Committee and Subcommittee June 14, 2011.

cultural operations. The six subcommittees were constituted as follows:

SUBCOMMITTEE ON CONSERVATION, ENERGY, AND FORESTRY  
(RATIO 12–10 (TOTAL 22))

GLENN THOMPSON, Pennsylvania, *Chairman*

BOB GOODLATTE, Virginia	TIM HOLDEN, Pennsylvania, <i>Ranking</i>
MARLIN A. STUTZMAN, Indiana	<i>Minority Member</i>
BOB GIBBS, Ohio	KURT SCHRADER, Oregon
STEPHEN LEE FINCHER, <sup>†</sup> Tennessee	WILLIAM L. OWENS, New York
SCOTT R. TIPTON, Colorado	MIKE MCINTYRE, North Carolina
STEVE SOUTHERLAND II, Florida	JIM COSTA, California
MARTHA ROBY, Alabama	TIMOTHY J. WALZ, Minnesota
TIM HUELSKAMP, Kansas	CHELLIE PINGREE, Maine
RANDY HULTGREN, Illinois	MARCIA L. FUDGE, Ohio
REID J. RIBBLE, Wisconsin	GREGORIO KILILI CAMACHO SABLÁN,
KRISTI L. NOEM, <sup>‡</sup> South Dakota	Northern Mariana Islands

**Jurisdiction:** Soil, water, and resource conservation, small watershed program, energy and bio-based energy production, rural electrification, forestry in general and forest reserves other than those created from the public domain.

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SUBCOMMITTEE ON DEPARTMENT OPERATIONS, OVERSIGHT, AND CREDIT  
(RATIO 6–4 (TOTAL 10))

JEFF FORTENBERRY, Nebraska, *Chairman*

TIMOTHY V. JOHNSON, Illinois	MARCIA L. FUDGE, Ohio, <i>Ranking Minority</i>
STEVE KING, Iowa	<i>Member</i>
ERIC A. “RICK” CRAWFORD, Arkansas	JAMES P. MCGOVERN, Massachusetts
STEPHEN LEE FINCHER, <sup>†</sup> Tennessee	JOE BACA, California
KRISTI L. NOEM, <sup>‡</sup> South Dakota	

**Jurisdiction:** Agency oversight, review and analysis, special investigations, and agricultural credit.

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SUBCOMMITTEE ON NUTRITION AND HORTICULTURE  
(RATIO 6–4 (TOTAL 10))

JEAN SCHMIDT, Ohio, *Chairwoman*

STEVE KING, Iowa	JOE BACA, California, <i>Ranking Minority</i>
THOMAS J. ROONEY, Florida	<i>Member</i>
STEVE SOUTHERLAND II, Florida	CHELLIE PINGREE, Maine
ERIC A. “RICK” CRAWFORD, Arkansas	GREGORIO KILILI CAMACHO SABLÁN,
	Northern Mariana Islands

**Jurisdiction:** Food stamps, nutrition and consumer programs, fruits and vegetables, honey and bees, marketing and promotion orders, plant pesticides, quarantine, adulteration of seeds and insect pests, and organic agriculture.

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<sup>†</sup> Resigned from Committee May 11, 2011.

<sup>‡</sup> Appointed to Committee and Subcommittee June 14, 2011.



SUBCOMMITTEE ON GENERAL FARM COMMODITIES AND RISK MANAGEMENT  
(RATIO 15–11 (TOTAL 26))

K. MICHAEL CONAWAY, Texas, *Chairman*

STEVE KING, Iowa	LEONARD L. BOSWELL, Iowa, <i>Ranking</i>
RANDY NEUGEBAUER, Texas	<i>Minority Member</i>
JEAN SCHMIDT, Ohio	MIKE MCINTYRE, North Carolina
BOB GIBBS, Ohio	TIMOTHY J. WALZ, Minnesota
AUSTIN SCOTT, Georgia	LARRY KISSELL, North Carolina
ERIC A. “RICK” CRAWFORD, Arkansas	JAMES P. MCGOVERN, Massachusetts
MARTHA ROBY, Alabama	DENNIS A. CARDOZA,* California
TIM HUELSKAMP, Kansas	DAVID SCOTT, Georgia
RENEE L. ELLMERS, North Carolina	JOE COURTNEY, Connecticut
CHRISTOPHER P. GIBSON, New York	PETER WELCH, Vermont
RANDY HULTGREN, Illinois	TERRI A. SEWELL, Alabama
VICKY HARTZLER, Missouri	
ROBERT T. SCHILLING, Illinois	

**Jurisdiction:** Program and markets related to cotton, cottonseed, wheat, feed grains, soybeans, oilseeds, rice, dry beans, peas, lentils, the Commodity Credit Corporation, risk management, including crop insurance, commodity exchanges, and specialty crops.

SUBCOMMITTEE ON LIVESTOCK, DAIRY, AND POULTRY  
(RATIO 11–9 (TOTAL 20))

THOMAS J. ROONEY, Florida, *Chairman*

BOB GOODLATTE, Virginia	DENNIS A. CARDOZA,* California, <i>Ranking</i>
STEVE KING, Iowa	<i>Minority Member</i>
RANDY NEUGEBAUER, Texas	DAVID SCOTT, Georgia
K. MICHAEL CONAWAY, Texas	JOE COURTNEY, Connecticut
STEPHEN LEE FINCHER,† Tennessee	TIM HOLDEN, Pennsylvania
TIM HUELSKAMP, Kansas	LEONARD L. BOSWELL, Iowa
SCOTT DESJARLAIS, Tennessee	JOE BACA, California
CHRISTOPHER P. GIBSON, New York	KURT SCHRADER, Oregon
REID J. RIBBLE, Wisconsin	WILLIAM L. OWENS, New York
KRISTI L. NOEM,‡ South Dakota	

**Jurisdiction:** Livestock, dairy, poultry, meat, seafood and seafood products, inspection, marketing, and promotion of such commodities, aquaculture, animal welfare, and grazing.

SUBCOMMITTEE ON RURAL DEVELOPMENT, RESEARCH, BIOTECHNOLOGY, AND  
FOREIGN AGRICULTURE

(RATIO 8–6 (TOTAL 14))

TIMOTHY V. JOHNSON, Illinois, *Chairman*

GLENN THOMPSON, Pennsylvania	JIM COSTA, California, <i>Ranking Minority</i>
MARLIN A. STUTZMAN, Indiana	<i>Member</i>
AUSTIN SCOTT, Georgia	HENRY CUELLAR, Texas
RANDY HULTGREN, Illinois	PETER WELCH, Vermont
VICKY HARTZLER, Missouri	TERRI A. SEWELL, Alabama
ROBERT T. SCHILLING, Illinois	LARRY KISSELL, North Carolina

**Jurisdiction:** Rural Development, farm security and family farming matters; research, education and extension, biotechnology, foreign agriculture assistance, and trade promotion programs, generally.

\* Resigned from Congress August 15, 2012.

† Resigned from Committee May 11, 2011.

‡ Appointed to Committee and Subcommittee June 14, 2011.

## B. COMMITTEE JURISDICTION

Under Rules adopted by the House of Representatives for the 111th Congress, the Committee on Agriculture's (hereinafter also referred to as Committee) jurisdiction (See Rule X, clause 1 of the Rules of the House of Representatives) extended to—

- (1) Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.
- (2) Agriculture generally.
- (3) Agricultural and industrial chemistry.
- (4) Agricultural colleges and experiment stations.
- (5) Agricultural economics and research.
- (6) Agricultural education extension services.
- (7) Agricultural production and marketing and stabilization of prices of agricultural products, and commodities (not including distribution outside of the United States).
- (8) Animal industry and diseases of animals.
- (9) Commodity exchanges.
- (10) Crop insurance and soil conservation.
- (11) Dairy industry.
- (12) Entomology and plant quarantine.
- (13) Extension of farm credit and farm security.
- (14) Inspection of livestock, poultry, meat products, and seafood and seafood products.
- (15) Forestry in general, and forest reserves other than those created from the public domain.
- (16) Human nutrition and home economics.
- (17) Plant industry, soils, and agricultural engineering.
- (18) Rural electrification.
- (19) Rural development.
- (20) Water conservation related to activities of the Department of Agriculture.

The revised edition of the Rules and Manual of the House of Representatives for the 107th Congress (House Document No. 106–320) provides the following concerning the Committee on Agriculture:<sup>1</sup>

“This Committee was established in 1820 (IV, 4149). In 1880 the subject of forestry was added to its jurisdiction, and the Committee was conferred authority to receive estimates of and to report appropriations (IV, 4149). However, on July 1, 1920, authority to report appropriations for the U.S. Department of Agriculture was transferred to the Committee on Appropriations (VII, 1860).

The basic form of the present jurisdictional statement was made effective January 2, 1947, as a part of the Legislative Reorganization Act of 1946 (60 Stat. 812). Subparagraph (7) was altered by the 93d Congress, effective January 3, 1975, to include jurisdiction over agricultural com-

<sup>1</sup>References are to the volume and section of Hinds' (volumes I–V, *e.g.*, IV, 500) and Cannon's (volumes VI–VIII, *e.g.*, VI, 400) Precedents of the House of Representatives, and to the Congressional Record by date and page (*e.g.*, January 3, 1953, p. 500).

modities (including the Commodity Credit Corporation) while transferring jurisdiction over foreign distribution and non-domestic production of commodities to the Committee on International Relations (H. Res. 988, 93d Cong., Oct 8, 1974, p. 34470). Nevertheless, the Committee has retained a limited jurisdiction over measures to release CCC stocks for such foreign distribution (Sept. 14, 1989, p. 20428). Previously unstated jurisdictions over commodities exchanges and rural development were codified effective January 3, 1975.

The 104th Congress consolidated the Committee's jurisdiction over inspection of livestock and meat products to include inspection of poultry, seafood, and seafood products, and added subparagraph (20) relating to water conservation (sec. 202(a), H. Res. 6, Jan. 4, 1995, p.464). Clerical and stylistic changes were effected when the House re-codified its rules in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47).

The Committee has had jurisdiction of bills for establishing and regulating the Department of Agriculture (IV, 4150), for inspection of livestock and meat products, regulation of animal industry, diseases of animals (IV, 4154; VII, 1862), adulteration of seeds, insect pests, protection of birds and animals in forest reserves (IV, 4157; VII, 1870), the improvement of the breed of horses, even with the cavalry service in view (IV, 4158; VII, 1865), and in addition to the Committee on Energy and Commerce, amending Horse Protection Act to prevent the shipping, transporting, moving, delivering, or receiving of horses to be slaughtered for human consumption (July 13, 2006, p. 5270).

The Committee, having charge of the general subject of forestry, has reported bills relating to timber, and forest reserves other than those created from the public domain (IV, 4160). The Committee on Natural Resources, and not this committee, has jurisdiction over a bill to convey land that is part of a National Forest created from the public domain (March 23, 2004, p. 1344). It has also exercised jurisdiction of bills relating to agricultural colleges and experiment stations (IV, 4152), incorporation of agricultural societies (IV, 4159), and establishment of a highway commission (IV, 4153), to discourage fictitious and gambling transactions in farm products (IV, 4161; VII, 1861), to regulate the transportation, sale and handling of dogs and cats intended for use in research and the licensing of animal research facilities (July 29, 1965, p. 18691); and to designate an agricultural research center (May 14, 1995, p. 11070). The Committee shares with the Committee on the Judiciary jurisdiction over a bill comprehensively amending the Immigration and Nationality Act and including food stamp eligibility requirements for aliens (Sept. 19, 1995, p. 25533).

The House referred the President's message dealing with the refinancing of farm-mortgage indebtedness to the Committee, thus conferring jurisdiction (April 4, 1933, p. 1209).

The Committee has jurisdiction over a bill relating solely to executive level position in the Department of Agriculture (Mar. 2, 1976, p. 4958) and has jurisdiction over bills to develop land and water conservation programs on private and non-Federal lands (June 7, 1976, p. 16768)."

Some of the specific areas in which the Committee on Agriculture exercises its jurisdiction or that have been created for the Committee by historical reference include:

- (1) Public Law 480, Eighty-third Congress, the restoration, expansion, and development of foreign markets for United States agricultural products; and the effect of the General Agreement on Tariffs and Trade (and the North American Free Trade Agreement), bilateral free trade agreements, the European Community, and other regional economic agreements and commodity marketing and pricing systems on United States agriculture.
- (2) All matters relating to the establishment and development of an effective Foreign Agricultural Service.
- (3) Matters relating to rural development, including rural telephone companies, farm credit banks, farm rural housing loans, rural water supply, rural flood control and water pollution control programs, and loans for rural firehouses, community facilities, and businesses.
- (4) Production and use of energy from agricultural and forestry resources.
- (5) Matters relating to the development, use, and administration of the National Forests, including, but not limited to, development of a sound program for general public use of the National Forests consistent with watershed protection and sustained-yield timber management, study of the forest fire prevention and control policies and activities of the Forest Service and their relation to coordinated activities of other Federal, State, and private agencies; Forest Service land exchanges; and wilderness and similar use designations applied to National Forest land.
- (6) Price spreads of agricultural commodities between producers and consumers.
- (7) The formulation and development of improved programs for agricultural commodities; matters relating to the inspection, grading, and marketing of such commodities, including seafood; and food safety generally.
- (8) Matters relating to trading in futures contracts for all commodities and similar instruments, including commodity options and commodity leverage contracts.
- (9) The administration and operation of agricultural programs through State and county committees and the administrative policies and procedures relating to the selection, election, and operation of such committees.
- (10) The administration and development of small watershed programs under Public Law 566, Eighty-third Congress, as amended, and the development of resource conservation and development programs for rural areas.

- (11) Programs of food assistance or distribution supported in whole or in part by funds of the Department of Agriculture, including but not limited to the food stamp program and the commodity distribution program.
- (12) Aquaculture programs of the Department of Agriculture.
- (13) Sugar legislation, including import control programs that stabilize domestic prices.
- (14) All matters relating to pesticides, the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, the Federal Environmental Pesticide Control Act of 1972, the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1988, and the Food Quality Protection Act of 1996, including, but not limited to, the registration, marketing, and safe use of pesticides, groundwater contamination, and the coordination of the pesticide program under FIFRA with food safety programs.
- (15) Agricultural research programs, including, but not limited to, the authorization of specific research projects and agricultural biotechnology development efforts.
- (16) All matters relating to the Commodity Credit Corporation Charter Act.
- (17) Legislation relating to the control of the entry into the United States of temporary, nonresident aliens for employment in agricultural production.
- (18) Legislation relating to the general operations and the Organic Act of the Department of Agriculture, the Commodity Credit Corporation, Federal Crop Insurance Corporation, Farm Credit Administration, Farm Credit System, Federal Agricultural Mortgage Corporation, and Commodity Futures Trading Commission.
- (19) Producer-funded research, promotion, and consumer and industry information programs for agricultural commodities.
- (20) Legislation regarding reclamation water projects where the pricing of water delivered by such projects is affected by whether the water will be used in the production of a crop for which an acreage reduction program is in effect.
- (21) Legislation regarding reclamation water projects for which the Secretary of Agriculture is required to make a determination regarding commodity availability prior to the determination of the price to be charged for the delivery of such project water.
- (22) Legislation establishing the level of fees charged by the Federal Government for the grazing of livestock on Federal lands.
- (23) Legislation governing the Federal regulation of transactions involving swaps contracts, hybrid financial instruments, and derivative securities and financial products.
- (24) Legislation regarding the Federal Reserve Board with respect to its authority to regulate the establishment of appropriate levels of margin on stock index futures contracts.

The Committee also reviews and studies, on a continuing basis, the current and prospective application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter

of which is within the jurisdiction of the Committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof. In addition, the Committee, along with other standing Committees of the House, has the function of reviewing and studying on a continuing basis the effect or probable effect of tax and other fiscal and monetary policies affecting subjects within their jurisdiction.

#### C. OVERSIGHT PLAN

The Committee on Agriculture met on February 10, 2011 to also fulfill the General Oversight Responsibility reporting requirements of Rule X 2(d)(1) of the Rules of the House of Representatives.

The following outline was prepared in consultation with the Ranking Minority Member and approved by the Full Committee which was forwarded to the Committee on Oversight and Government Reform and the Committee on House Administration on February 10, 2011:

#### OVERSIGHT PLAN HOUSE COMMITTEE ON AGRICULTURE 112TH CONGRESS

The committee expects to exercise appropriate oversight activity with regard to the following issues:

#### **2008 Farm Bill and Current Agricultural Conditions**

- Review the U.S. Department of Agriculture's (USDA) implementation of the Food, Conservation, and Energy Act of 2008 (FCEA);
- Conduct an audit or inventory of every farm bill program under the committee's jurisdiction;
- Review programs that may be inefficient, duplicative, outdated or more appropriately administered by State or local governments for possible cuts or elimination;
- Review programs for waste, fraud and abuse;
- Review the current state of health of the U.S. farm economy;
- Review USDA's initial and subsequent implementation of FCEA payment limit and adjusted gross income provisions;
- Review USDA's use of Ad Hoc Disaster Assistance;
- Review the state of credit conditions and availability in rural America;
- Review the impact of weather conditions on crop production;
- Review USDA's activities regarding implementation of the U.S. Warehouse Act;
- Review of market situation, including impact of crop reports and projections;
- Review colony collapse disorder and other long term threats to pollinator health;
- Review USDA's implementation of the U.S. Grain Standards Act;
- Review USDA's implementation of the Fair and Equitable Tobacco Reform Act of 2004;

- Review the Farm Service Agency's (FSA) management controls for Finality Rule and equitable relief decisions;
- Review how Administrative Pay-Go is affecting Department actions; and
- Review discretionary actions by USDA that are not directly authorized by legislation.

#### *Energy*

- Assess implementation of energy programs authorized by FCEA;
- Review administration of the Biomass Crop Assistance Program (BCAP);
- Review activities funded by the Biomass Research and Development Act (BRDA) and input from the external BRDA Advisory Board;
- Review availability of agriculture and forestry feedstocks for renewable energy production;
- Review current status of research on energy crops and feedstocks;
- Review RUS electric loan program;
- Review electricity reliability in rural America;
- Review current provisions in existing law that support agriculture-based energy production and use;
- Review the implementation of the Renewable Fuels Standard (RFA);
- Review programs that may be inefficient, duplicative, outdated or more appropriately administered by State or local governments for possible cuts or elimination;
- Review renewable fuel programs and their impact on agriculture; and
- Review USDA's energy infrastructure initiative.

#### *Conservation and the Environment*

- Review the impact of regulatory activities by the EPA and its effect on agriculture productivity;
- Review the impact of regulatory activities carried out pursuant to the Endangered Species Act (ESA), or any proposed legislative changes to such Act, on agricultural producers;
- Review the impact of the Administration's regulatory activity relative to methyl bromide on production of agriculture in the U.S.;
- Review of EPA's resource needs as they pertain to the collection of pesticide user fees;
- Review any proposed legislation to implement the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;
- Review the International Treaty on Plant Genetic Resources for Food and Agriculture;

- Review budget and program activities of the NRCS;
- Review implementation of all of USDA's conservation programs;
- Review conservation streamlining initiatives to eliminate duplicative and overlapping programs;
- Review programs that may be inefficient, duplicative, outdated or more appropriately administered by State or local governments for possible cuts or elimination;
- Review EPA's jurisdiction under the Clean Water Act (CWA) and its impact to U.S. agriculture;
- Review of potential impacts of EPA's Clean Air Act (CAA) regulatory program on U.S. agriculture;
- Review ongoing discussions and potential consequences for American agriculture under the United Nations Climate Change Conference;
- Review EPA's implementation of the Food Quality Protection Act (FQPA), FIFRA and Pesticide Registration Improvement Renewal Act (PRIA 2);
- Review the impact of litigation and rulemaking concerning FIFRA, ESA, CAA, CWA, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Emergency Planning and Community Right to Know Act (EPCRA) and for impacts agricultural operations;
- Review the EPA's regulatory actions in regard to pesticide evaluations;
- Review of EPA's regulation of Animal Feeding Operations;
- Review of the non-emergency haying and grazing provisions of the Conservation Reserve Program (CRP);
- Review of the operation of the Resource, Conservation and Development Program; and
- Review of Total Maximum Daily Load strategies and impacts on production agriculture.

*Federal Crop Insurance and Risk Management*

- Review USDA's implementation of crop insurance provisions of the FCEA;
- Review the effectiveness of the Supplemental Revenue Assistance Payments Program (SURE);
- Review the role and effectiveness of the Federal Crop Insurance Program;
- Review USDA's and the Risk Management Agency's (RMA) administration and oversight of the Federal Crop Insurance Program;
- Review the availability of crop insurance as a risk management tool;
- Review programs that may be inefficient, duplicative, outdated or more appropriately administered by State or local governments for possible cuts or elimination;
- Review USDA's activities designed to find and reduce crop insurance program waste, fraud, and abuse;
- Review USDA's handling of the SRA process;



- Review RMA's combination of revenue protection crop insurance programs;
- Review the operations of the Commodity Futures Trading Commission (CFTC);
- Review the growing consolidation and internationalization of futures exchange trading;
- Review market machinations for exchange traded energy and agricultural future products;
- Review enforcement and oversight capabilities of the CFTC both domestically and internationally; and
- Review the role of the CFTC in light of potential climate change legislation.

*Implementation of Title VII of Dodd-Frank Wall Street Reform and Consumer Protection Act*

- Review the process by which the CFTC engages in rulemaking as directed by Title VII of the Dodd-Frank Act to ensure—
  - (1) it is a transparent process;
  - (2) the sequence, timing and comment deadlines of rule proposals allow for meaningful public comment;
  - (3) cost benefit analysis is adequately performed and reflected in rule proposals;
  - (4) the CFTC is well coordinated with other Federal financial regulators responsible for implementing Title VII;
  - (5) regulations do not impose undue or excessive burdens on financial markets and the economy;
  - (6) regulations are consistent with the intent and statutory language of the Dodd-Frank Act.
- Examine the CFTC, SEC and Federal Reserve rules as they relate to the exemption for commercial end-users, including the application of margin and capital to end-user OTC transactions;
- Examine the feasibility of timetables established by Dodd-Frank in building the data, technology and connectivity necessary to meet regulatory objectives;
- Review the impact of Title VII on market structure;
- Review the impact of proposed transparency mechanisms on trade pricing and liquidity;
- Review the impact of Title VII on the global competitiveness of U.S. firms.

*Agriculture Trade and International Food Aid*

- Review ongoing multilateral, regional, and bilateral trade negotiations (including WTO accession agreements) to assess their potential impact on U.S. agriculture;
- Review implementation of existing trade agreements and commitments as well as proposed new trade agreements and commitments to determine—
  - (1) whether they are consistent with current U.S. law;
  - (2) whether they will promote economic development in rural areas of the U.S.;

(3) their impact or potential impact on current production of import sensitive agricultural commodities, and on exports of U.S. agricultural products; and

(4) their impact or potential impact on the overall competitiveness of the U.S. agricultural sector, including the production, processing and distribution of agricultural products.

- Monitor existing trade agreements to ensure trading partners are meeting obligations and enforcing trade commitments;
- Review farm export programs to determine how well they are promoting the interests of U.S. agriculture and examine proposals to improve, modify or expand such programs;
- Assess U.S. food aid programs to determine their impact or potential impact on the reduction of world hunger. In particular, the committee will examine the potential impact of multilateral trade negotiations on the effectiveness of U.S. food aid programs; and
- Address sanitary and phytosanitary (SPS) barriers and other technical barriers to U.S. agricultural exports and examine USDA efforts to eliminate such barriers.

#### *Agricultural Research and Promotion*

- Review implementation of biosecurity protocols at USDA Agricultural Research Service (ARS) laboratories;
- Review USDA's implementation of research, education and extension programs authorized in FCEA;
- Review the administration of the ARS research stations and worksites;
- Review USDA's continuing ability to conduct foreign animal disease research, training and diagnostic programs at the National Bio and Agro-Defense Facility following the transfer of the center to the Department of Homeland Security;
- Assess Federal efforts to facilitate research and development of aquacultural enterprises, specifically focusing on the activities of the Joint Committee on Aquaculture;
- Review implementation of USDA's regulation on organic standards;
- Review implementation of USDA's collection of organic production and market data;
- Review implementation of National Institute of Food and Agriculture (NIFA);
- Review coordination between ARS, Economic Research Service (ERS), NIFA and action agencies in USDA—such as NRCS and FSA—in order to prevent duplicative research;
- Review operation of the National Agricultural Research, Extension, Education, and Economics Advisory Board;
- Review USDA's efforts to expand research and development of pathogen reduction technologies;
- Evaluate the current mix of research funding mechanisms to ensure maximum benefits from these investments to producers, processors and consumers;

- Review administration of USDA's agricultural marketing and promotion programs;
- Review of coordination between USDA and DOE on energy research programs;
- Review of congressional appropriation process and implications on research funding under ARS, ERS, NASS and NIFA;
- Review of ARS, ERS, NASS and NIFA national program priorities;
- Oversight of research grant process to coordinate and prevent overlapping research; and
- Review the potential for research and technology transfer to address the needs of both the biofuels and livestock industries.

#### *Biotechnology*

- Review current regulations and research regarding animal and plant biotechnology;
- Review the Food and Drug Administration's (FDA) findings regarding cloned animal products and regulation of genetically engineered animals;
- Assess USDA's efforts to develop and promote benefits of biotechnology for increasing agricultural productivity and combating hunger globally; and
- Review USDA's management and controls over biotechnology-derived material.

#### *U.S. Forest Service Administration*

- Review U.S. Forest Service (USFS) budget, with special attention to land acquisition and easement programs;
- Continue to monitor the effectiveness and efficiency of the Forest Service fire management program, including the impact of hazardous fuels management, forest health efforts and fire preparedness;
- Review the impact of fire expenses on other USFS program delivery;
- Assess the USFS strategy for timber harvesting on Federal lands; and
- Review USFS efforts to promote utilization of Federal forests for renewable energy purposes.

#### *Dairy*

- Review options to improve the efficiency and effectiveness of dairy programs; and
- Review efficiency of Federal market order system.

#### *Outreach and Civil Rights*

- Review implementation of Section 14012 of the FCEA;
- Review the implementation of the Office of Advocacy and Outreach;
- Monitor USDA's outreach efforts to small and minority farmers/ranchers;
- Review of the operations of the office of the Assistant Secretary for Civil Rights;

- Review USDA process for evaluating discrimination claims under the *Pigford* settlement;
- Review of the delivery of USDA services and outreach efforts on Indian reservations and tribal lands;
- Review current status of Agricultural Census and efforts to reach undercounted farmers and ranchers; and
- Review participation of minority farmers in FSA County/Local Committees as well as outreach to increase participation in County Committee elections.

*USDA General Administration*

- Review confidentiality of information provided to USDA by agricultural producers;
- Review USDA's field office structure for the purpose of delivering commodity, conservation, energy and rural development programs;
- Review USDA's plan to modernize its Information Technology (IT) systems; and
- Review the administrative structure of USDA for effectiveness and additional efficiencies.

*Farm Credit, Rural Development, and the Rural Economy*

- Review Farm Credit Administration's (FCA) regulatory program and activities regarding the Farm Credit System (FCS) to assure the its safety and soundness;
- Review of Farmer Mac activities and programs;
- Review of FSA's direct and guaranteed loan programs and graduation efforts;
- Review of the Rural Electrification Act (REA);
- Review of the farm economy and access to credit;
- Review implementation of rural development policies and authorities contained in FCEA and the Consolidated Farm and Rural Development Act;
- Review programs that may be inefficient, duplicative, outdated or more appropriately administered by State or local governments for possible cuts or elimination;
- Conduct oversight of the USDA's Rural Broadband Access Loan and Loan Guarantee Program;
- Conduct oversight of new Rural Microentrepreneur Assistance Program;
- Conduct oversight of the implementation of the USDA's Telecommunications Programs;
- Review the status of the Rural Telephone Bank;
- Assess state of rural water systems and effectiveness of Federal funding to build and upgrade those systems;
- Assess rural infrastructure and business needs and effectiveness of USDA programs targeted to those needs;
- Review of agriculture lending practices;
- Review of definition of "rural" under rural development programs; and
- Review of rural development loan programs and default rates.

### *USDA Food and Nutrition Programs*

- Review food and nutrition programs including the Supplemental Nutrition Assistance Program (SNAP), fruit and vegetable initiatives, the Emergency Food Assistance Program (TEFAP), the Food Distribution on Indian Reservations (FDPIR) and other commodity distribution programs;
- Assess the level of participation by states in SNAP and examine state options for expanding SNAP participation;
- Review buying patterns of SNAP recipients and methods for encouraging balanced lifestyles;
- Review programs that may be inefficient, duplicative, outdated or more appropriately administered by State or local governments for possible cuts or elimination;
- Review efforts by state SNAP administrators to modernize and streamline their programs;
- Review the Community Food Project Program to ensure cooperative grants are working;
- Review of the SNAP retailer approval process; and
- Review of the implementation of changes made to the SNAP Nutrition Education Program.

### *Food Safety*

- Review implementation of the FDA Food Safety Modernization Act;
- Review implementation of the recent FDA Egg Safety Rule;
- Review USDA's administration of meat and poultry inspection laws and the FDA's food inspection activities to ensure the development of scientifically sound systems for food safety assurance;
- Review USDA's implementation of the catfish inspection program;
- Review USDA's efforts to educate consumers regarding safe food handling practices and streamline the assessment and approval of food safety technologies;
- Review implementation of new protocols for meat, poultry, eggs, or seafood safety inspection; and
- Review USDA's enforcement of the Humane Methods of Slaughter Act and humane handling regulations.

### *Plant and Animal Health*

- Review enforcement of the Animal Welfare Act;
- Assess Federal efforts to reduce threats to human, animal, and plant health due to predatory and invasive species;
- Assess USDA's Animal Disease Traceability Plan; and
- Review implementation of Sec. 10201—Plant pest and disease management and disaster prevention.

### *Livestock Marketing*

- Assess the effectiveness of the Grain Inspection, Packers and Stockyards Administration (GIPSA) in determining market manipulation in the livestock industry;

- Review structural changes in agribusiness and the potential cost and benefits for agricultural producers; and
- Review the USDA's mandatory livestock price reporting system.

#### *Homeland and Agricultural Security*

- Oversight of USDA's preparedness against terrorist threats to agriculture production; and
- Review of agriculture inspection activities under the Department of Homeland Security.

#### *Miscellaneous*

- Review the implementation and impact of The American Recovery and Reinvestment Act of 2009 (ARRA) on USDA programs;
- Review implementation of the Specialty Crop Competitiveness Act;
- Review of the impact of transportation infrastructure issues on agriculture and forestry;
- Review USDA's implementation and enforcement of the country of origin labeling rule; and
- Assess operation of the Fruit and Vegetable (FAV) planting prohibition pilot program.

#### *Consultation With Other Committees To Reduce Duplication*

- With Natural Resources Committee on forestry issues, ESA issues and other public land issues;
- With Science Committee on Research;
- With Ways and Means and Education and the Workforce on nutrition programs;
- With Ways and Means on trade issues;
- With Homeland Security on importation of animal and plant material and on research related to agroterrorism;
- With Judiciary on immigrant agricultural labor;
- With Energy and Commerce on food safety and biomass energy programs both existing and new;
- With Transportation and Infrastructure on CWA compliance issues;
- With Financial Services Committee on Dodd-Frank Act issues; and
- With any other committee as appropriate.

## II. COMMITTEE ACTIVITIES DURING THE 112TH CONGRESS

### A. MAIN LEGISLATIVE ACTIVITIES

The Committee on Agriculture reported or otherwise considered a variety of bills in the 112th Congress covering many of the diverse areas within its jurisdictional interests.

Some of the major activities of the committee during the 112th Congress included the following:

*Agenda for the House Agriculture Committee*

- The Agriculture Committee approached its business in an open, transparent manner and maintained the strong bipartisan tradition of the Committee. One of the main priorities of the Committee during this Congress was to provide oversight to the various Federal agencies through the hearing process.
- The Agriculture Committee held 16 full committee hearings and 12 business meetings during the 112th Congress. Various subcommittees held 42 hearings during the 112th Congress.
- The Committee heard testimony from Administration officials on 60 occasions, including 36 testimonies from U.S. Department of Agriculture representatives, and 12 from the Commodity Futures Trading Commission. Additional testimony heard by the Committee was offered by university researchers, nonprofit organizations, trade groups, international regulators, and farmers and ranchers from across the United States and totaled 237 testimonies all together.

*Biotechnology*

- In January 2011, the Committee held a public forum to review the biotechnology product regulatory approval process. The public forum was held to explore the issue in advance of that decision.

*Trade*

- On April 7, 2011, Rep. Timothy V. Johnson, Chairman of the Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture, held a public hearing to review market promotion programs and their effectiveness on expanding exports of U.S. agricultural products.

*Oversight of the U.S. Department of Agriculture and the Commodity Futures Trading Commission*

- On February 17, 2011, the House Agriculture Committee held a public hearing to review the state of the farm economy. Members of the committee heard testimony from U.S. Department of Agriculture Secretary Tom Vilsack and questioned him on a variety of topics including the many regulatory burdens affecting the livelihoods of farmers and ranchers. The committee also discussed economic trends in prices, input costs, and farm output.
- March 31, 2011, the House Agriculture Committee held a public hearing to review the definitions of key terms included in Title VII of the Wall Street Reform and Consumer Protection Act, such as “swap,” “Swap Dealer,” and “Major Swap Participant.” Additionally, Members examined how end-users will be impacted by these definitions and regulatory designations. The Act does not define an end-user explicitly. In order to qualify for the end-user exemption, a company must not be designated a Swap Dealer, Major Swap Participant, or a financial entity.
- On April 13, 2011, Rep. K. Michael Conaway, Chairman of the Subcommittee on General Farm Commodities and Risk Management held a public hearing to further review the Commodity Futures Trading Commission’s (CFTC) rulemaking

process for implementing title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

- On May 4, 2011, the House Agriculture Committee approved H.R. 1573, to facilitate implementation of title VII of the Dodd-Frank Wall Street Reform Act, promote regulatory coordination, and avoid market disruption. This legislation gives regulators additional time to write and vet the rules governing derivatives, and brings the U.S. into alignment with our G20 partners on financial reform.
- On April 15, 2011, Chairman Frank D. Lucas, and U.S. Representatives Spencer Bachus, K. Michael Conaway, and Scott Garrett introduced H.R. 1573, which would extend the deadline by 18 months for implementing Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The bill gives the regulatory agencies more time to effectively meet the objectives of the derivatives title, to prioritize deliberation over speed, to consider the costs and benefits, and to understand the cumulative impact of the rules that will be applied to the marketplace. Additionally, the bill realigns the U.S. with the G20 agreement to implement reform by December 2012.

#### *Dodd-Frank*

- On January 25, 2012, the House Agriculture Committee advanced by voice vote six bills that amend Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The legislation is the culmination of the committee's oversight efforts of the Commodity Futures Trading Commission (CFTC) as it writes rules for Dodd-Frank. The bills passed included: H.R. 3336, H.R. 3527, H.R. 2779, H.R. 2682, H.R. 2586, and H.R. 1840.
- On February 29, 2012, the House Agriculture Committee held a public hearing to review the 2012 agenda of the Commodity Futures Trading Commission (CFTC) as the agency continues to investigate the collapse of MF Global and promulgate rules pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act. Members of the Committee pressed CFTC Chairman Gary Gensler on the strength of customer protections in place in light of the collapse of MF Global and the Dodd-Frank rulemaking process.
- On March 28, 2012, Rep. K. Michael Conaway, Chairman of the House Agriculture Committee's Subcommittee on General Farm Commodities and Risk Management, held a public hearing to consider three pieces of legislation designed to mitigate unintended consequences of certain provisions of Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, and clarify the reach of new regulatory requirements to swaps activities that occur outside the U.S. Members of the Subcommittee reviewed H.R. 3283, the "Swap Jurisdiction Certainty Act", H.R. 1838 to repeal Section 716 of Dodd-Frank, and H.R. 4235, the "Swap Data Repository & Clearinghouse Indemnification Correction Act of 2012".
- On July 25, 2012, the full Committee held a public hearing entitled Oversight of the Swaps and Futures Markets: Recent Events and Impending Regulatory Reforms. This hearing was



held to examine the collapse of Peregrine Financial Group, Inc., the LIBOR manipulation, and receive an update on MF Global and Dodd-Frank implementation.

- On December 13, 2012, the House Agriculture Subcommittee on General Farm Commodities and Risk Management held a public hearing on the challenges facing the U.S. and International Markets in respect to Dodd-Frank derivatives reform.

*Oversight of the U.S. Department of Agriculture Rural Development Programs*

- On February 15, 2011, Rep. Timothy V. Johnson, Chairman of the Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture held a public hearing to review the various definitions of rural applied under programs operated by the U.S. Department of Agriculture (USDA).
- On April 14, 2011, Rep. Jeff Fortenberry, Chairman of the Subcommittee on Department Operations, Oversight, and Credit held a public hearing to review credit conditions in rural America. A number of institutions provide credit to our nation's farmers, ranchers, and rural constituents. It is important to ensure credit is readily available through institutions that are fundamentally sound.
- On March 21, 2012, Rep. Timothy V. Johnson, Chairman of the House Agriculture Committee's Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture, held a public hearing to identify duplicative Federal rural development programs. Members questioned the U.S. Department of Agriculture's (USDA) Undersecretary for Rural Development and the Director of the Government Accountability Office (GAO) on the efforts being made to streamline duplicative programs and improve coordination among agencies that administer programs.

*Livestock*

- On April 6, 2011, Rep. Thomas J. Rooney, Chairman of the Subcommittee on Livestock, Dairy, and Poultry held a public hearing to review the state of the beef industry. Members of the Subcommittee heard testimony from a cow/calf producer, an owner of a feeding business, and a beef packer. In addition to educating Members about the structure and economic conditions of the beef sector, witnesses also highlighted a range of issues impacting the beef industry such as environmental policies, feed availability, input prices, trade, and the proposed Grain Inspection, Packers and Stockyards Administration (GIPSA) rule.
- April 13, 2011, Rep. Thomas J. Rooney, Chairman of the Subcommittee on Livestock, Dairy, and Poultry held a public hearing to review the state of the poultry industry. Members of the Subcommittee heard testimony from a chicken grower, a chicken integrator, and a turkey grower who is also the chairman of a poultry processing cooperative. In addition to educating Members about the structure and economic conditions of the poultry sector, witnesses also highlighted a range of issues impacting the poultry industry, such as environmental policies,

feed availability, input prices, trade, and the proposed Grain Inspection, Packers and Stockyards Administration (GIPSA) rule.

- One May 4, 2011, Rep. Thomas J. Rooney, Chairman of the Subcommittee on Livestock, Dairy, and Poultry, held a public hearing to review the state of America's pork industry. Members of the Subcommittee heard statements from witnesses that represented a cross-section of the pork industry, including a small farrow-to-finish producer, an owner of a large family-owned pork farming network, and a packer. The witnesses discussed the economic and policy issues currently affecting the pork industry, including international trade, feed availability, animal health and welfare, environmental policies, and the proposed Grain Inspection, Packers and Stockyards Administration (GIPSA) rule adding new regulations under the Packers and Stockyards Act.

#### *Environmental Protection Agency*

- On February 16, 2011, Rep. Jean Schmidt, Chairman of the Subcommittee on Nutrition and Horticulture and Rep. Bob Gibbs, Chairman of the House Transportation and Infrastructure Committee's Subcommittee on Water Resources and Environment held a joint public hearing to consider reducing the regulatory burdens posed by the case *National Cotton Council v. EPA* (6th Cir. 2009) and to review related draft legislation.
- On March 2, 2011, Reps. Bob Gibbs (R-OH), Jean Schmidt (R-OH), and Joe Baca (D-CA) introduced H.R. 872, a bipartisan bill to reduce the regulatory burdens posed by the case *National Cotton Council v. EPA* (6th Cir. 2009).
- On March 9, 2011, the House Agriculture Committee approved H.R. 872, The Reducing Regulatory Burdens Act of 2011. It was a bipartisan bill that would amend the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) and the Clean Water Act (CWA) to clarify Congressional intent and eliminate the requirement of a National Pollutant Discharge Elimination System (NPDES) permit for pesticides approved for use under FIFRA. The legislation was cosponsored by 39 of the 46 Agriculture Committee members.
- On March 31, 2011, the U.S. House of Representatives passed H.R. 872, the Reducing Regulatory Burdens Act of 2011 in a bipartisan vote, 292–130.
- Rep. Glenn Thompson, Chairman of the Subcommittee on Conservation, Energy, and Forestry held a public hearing on March 16, 2011 to further review the Chesapeake Bay Total Maximum Daily Load (TMDL), agricultural practices, and their implications on national watersheds. Members of the subcommittee highlighted the importance of conservation programs and their impact on the health of the Chesapeake Bay, as well as the voluntary steps farmers have taken to preserve and protect this watershed.
- On March 10, 2011, the Committee held a public hearing to review the impact of Environmental Protection Agency regulations on agriculture.

*Budget*

- On March 7, 2012, the House Agriculture Committee held a business meeting to consider the Budget Views and Estimates Letter of the Committee on Agriculture for the agencies and programs under jurisdiction of the Committee for FY 2013.

*Farm Bill Field Hearings*

- On March 9, 2012, Chairman Frank D. Lucas held a field hearing in Saranac Lake, New York. It was the first of a series to be held throughout March and April to gather input in advance of writing the 2012 Farm Bill. Members heard testimony from producers in the northeastern United States on the future of farm policy.
- On March 23, 2012, Chairman Frank D. Lucas continued the House Agriculture Committee's field hearing series in Galesburg, Illinois. It was the second of four hearings to be held across the country throughout March and April to gather input in advance of writing the 2012 Farm Bill. Members heard testimony from Midwest producers of corn, rice, soybeans, wheat, sorghum, specialty crops and beef.
- On March 30, 2012, Chairman Frank D. Lucas continued the House Agriculture Committee's field hearing series in State University, Arkansas. It was the third of four hearings to be held across the country throughout March and April to gather input in advance of writing the 2012 Farm Bill. Members heard from Southeast producers of aquaculture, beef, and a variety of commodities, including rice and cotton, about the contributions U.S. agriculture has made to the U.S. economy.
- On April 20, 2012, Chairman Frank D. Lucas wrapped up the House Agriculture Committee's field hearing series in Dodge City, Kansas. It was the final hearing that was held across the country to listen directly to producers on the ground and gather input in advance of writing the 2012 Farm Bill. Members heard from producers of a variety of commodities and beef about the tools they need to continue to produce a safe and affordable food and fiber supply. Witnesses explained that one of the goals of the Farm Bill should be to provide opportunities for effective risk management for all of agriculture.

*Farm Bill Formulation*

- On April 25, 2012, Rep. Timothy V. Johnson, Chairman of the House Agriculture Committee's Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture, held a hearing to review U.S. Department of Agriculture (USDA) rural development programs in advance of writing the 2012 Farm Bill. Members heard from two panels of witnesses who explained how programs can be improved to increase their effectiveness.
- On April 26, 2012, Rep. Thomas J. Rooney, Chairman of the House Agriculture Committee's Subcommittee on Livestock, Dairy, and Poultry held a hearing on reforming dairy programs in the 2012 Farm Bill. Witnesses discussed problems with current dairy programs and provided feedback on proposals being considered to address those inadequacies.

- On April 26, 2012, Rep. Glenn Thompson, Chairman of the House Agriculture Committee's Subcommittee on Conservation, Energy, and Forestry, held a hearing to learn from members of the agriculture community on how conservation programs should be structured in the 2012 Farm Bill. Witnesses testified to the importance of conservation programs to assist producers and landowners with voluntary conservation initiatives, while also acknowledging the difficult budget circumstances for reauthorizing Farm Bill programs.
- On May 8, 2012, Rep. Jean Schmidt, Chairman of the House Agriculture Committee's Subcommittee on Nutrition and Horticulture, held a hearing to continue receiving input on agricultural programs in preparation for writing the 2012 Farm Bill. This hearing focused on specialty crop and nutrition programs.
- On May 10, 2012, Rep. Jeff Fortenberry, Chairman of the House Agriculture Committee's Subcommittee on Department Operations, Oversight, and Credit held a public hearing to learn more about how credit programs are working for farmers and how they should continue in the 2012 Farm Bill.
- On May 16 & 17, 2012, Rep. K. Michael Conaway, Chairman of the House Agriculture Committee's Subcommittee on General Farm Commodities and Risk Management, held a two day hearing that focused on commodity programs and crop insurance in preparation of the 2012 Farm Bill. The four panels of witnesses included economists and leaders from various commodity and agricultural groups highlighting the diversity of agriculture across the country. Witnesses described how programs are working under current law and how reforms can be made while stressing the need for a fair and effective safety net and a strong crop insurance program.
- On May 18, 2012, Rep. Glenn Thompson, Chairman of the House Agriculture Committee's Subcommittee on Conservation, Energy, and Forestry, wrapped up the third and final hearing series on agricultural programs in advance of writing the next Farm Bill. This series was held on the Subcommittee level and gathered agricultural leaders in Washington to share their policy priorities. This hearing focused on energy and forestry programs.
- On July 11, 2012, the House Agriculture Committee held a business meeting to consider the 2012 Farm Bill, H.R. 6083, The Federal Agriculture Reform and Risk Management Act.
- H.R. 6083, Federal Agriculture Reform and Risk Management Act, was passed in the Committee by a vote of 35–11 and it awaiting a vote in the U.S. House of Representatives.

#### *Reconciliation Requirement*

- On April 18, 2012, the House Agriculture Committee held a business meeting. Advancing, by voice vote, the proposal to satisfy reconciliation instructions required by House Concurrent Resolution 112. Instructions included making policy changes that resulted in one, five, and 10 year saving estimates of \$7.7 billion, \$19.7 billion, and \$33.2 billion, respectively.

*Forestry*

- On March 27, 2012, Rep. Glenn Thompson, Chairman of the House Agriculture Committee's Subcommittee on Conservation, Energy, and Forestry, held a public hearing to review several aspects affecting forest health, including timber harvests, wildlife management, invasive species, and the U.S. Forest Service's planning rule.

*Disaster Assistance*

- On August 2, 2012, the U.S. House of Representatives passed H.R. 6233, Agricultural Disaster Assistance Act of 2012, by a vote of 223–197. The Agricultural Disaster Assistance Act of 2012, provides risk management tools to those producers currently exposed to drought conditions.

## B. STATISTICAL SUMMARY OF ACTIVITIES

(1) *Statistics on bills referred to the Committee on Agriculture*  
Number of bills referred:

House bills .....	237
Senate bills .....	3
House joint resolutions .....	1
House concurrent resolutions .....	0
Senate joint resolutions .....	0
Senate concurrent resolutions .....	0
House resolutions .....	11
Total .....	252

(2) *Disposition of Bills Containing Items Under the Jurisdiction of the Committee on Agriculture*

Bills enacted into law .....	7
Bills acted on by the Committee included in other bills that became law ....	0
Bills vetoed .....	0
Bills acted on by both Houses, but not enacted .....	1
Bills acted on by the House but not the Senate .....	8
Concurrent Resolutions approved .....	0
Bills reported to the House but not considered .....	14
Bills ordered reported, but not reported .....	0
Bills defeated in the House .....	0

(3) *Statistics on hearings and markups:*

	Open business meetings	Washington hearings/ forum	Field hearings	Total
Full Committee .....	12	12	4	28
Subcommittees:				
General Farm Commodities and Risk Management .....	0	9	0	9
Livestock, Dairy, and Poultry .....	0	6	0	6
Rural Development, Research, Biotechnology, and Foreign Agriculture .....	0	8	1	9
Conservation, Energy, and Forestry .....	0	9	0	9
Department Operations, Oversight, and Credit .....	0	5	0	5
Nutrition and Horticulture .....	0	4	0	4
Total .....	12	53	5	70

C. DIGEST OF BILLS WITHIN THE JURISDICTION OF THE COMMITTEE ON  
WHICH ACTION HAS BEEN TAKEN

1. *Bills Enacted into Law*

*P.L. 112-46, (H.R. 765)*

*Ski Area Recreational Opportunity Enhancement Act of 2011*

H.R. 765 was introduced on February 17, 2011 by Representative Rob Bishop and referred to the Committee on Agriculture and in addition to the Committee on Natural Resources. On June 15, 2011 the Committee on Natural Resources ordered reported the bill without amendment by unanimous consent. On July 20, 2011, the bill was reported to House, H. Rept. 112-164, Part 1. On October 3, 2011 the bill passed the House under suspension of the rules by a recorded vote of 394 yeas to 0 nays. On October 18, 2011 the bill passed the Senate by unanimous consent clearing the measure for the President. On November 7, 2011 the bill was signed by the President into Public Law 112-46.

The Act amends the National Forest Ski Area Permit Act of 1986 to authorize the Secretary of Agriculture to permit seasonal and year-round natural resource based, recreational activities and associated facilities at ski areas, in addition to those that support Nordic and alpine skiing and other snow sports that are currently authorized by the Act. Current law does not address activities other than Nordic and alpine skiing, snow sports, and their ancillary facilities at ski areas on U.S. Forest Service lands. Congress intended the term 'appropriate ancillary facilities' to include 'only those facilities directly necessary for the operation and support of a winter sports facility.' The Act will allow for new activities such as ziplines, climbing walls, mountain biking, and alpine slides.

The additional seasonal and year-round recreational activities and associated facilities authorized by the Act would encourage outdoor recreation and require such activities to harmonize with the natural environment. The Act also will make clear that the primary purpose of the authorized use and occupancy would continue to be skiing and other snow sports. The Act will not waive existing laws such as the Endangered Species Act and the National Environmental Policy Act to allow for these new activities to take place. Ski areas on Forest Service lands are themselves 'developed sites' so these new activities will be in keeping with the intended use of these areas.

*P.L. 112-96 (H.R. 3630)*

*Middle Class Tax Relief and Job Creation Act of 2012*

H.R. 3630 was introduced on December 9, 2011 by Representative Dave Camp and referred to the Committee on Ways and Means, in addition the Committees on Energy and Commerce; Financial Services; Foreign Affairs; Transportation and Infrastructure, Agriculture; Oversight and Government Reform; House Administration; Budget; Natural Resources; Rules; and Intelligence (Permanent Select). On December 13, 2011 the bill passed the House, amended, by a recorded vote of 234 yeas to 193 nays. On December 17, 2011, the bill passed the Senate, amended, by unanimous consent. On December 20, 2011, House disagreed to the Senate amendment, and appointed conferees: Camp, Upton, Brady

(TX), Walden, Price (GA), Reed, Ellmers, and Hayworth. On December 23, 2011, the Senate insisted on its amendment, agreed to a conference. On that same date the House appointed additional conferees: Levin, Beccerra, Van Hollen, Schwartz, and Waxman. On January 3, 2012, the Senate appointed conferees: Baucus, Reed; Cardin, Casey, Kyl, Crapo, and Barrasso. A conference was held on: January 24, 2012, February 1, 2012, February 2, 2012, and February 7, 2012 with a conference report filed on February 16, 2012, H. Rept. 112–399. The conference report passed the House on February 17, 2012 by a recorded vote of 293 yeas to 13 nays. On that same date, the Senate agreed to the conference report by a recorded vote of 60 yeas to 36 nays. On February 22, 2012 the bill was presented to the President and signed into Public Law 112–96.

The Middle Class Tax Relief and Job Creation Act of 2012 provided an extension of the payroll tax rates for the remainder of the calendar year 2012. In addition, the Act provided a fully-offset delay in the implementation of the Medicare Sustainable Growth Rate (the so-called “Doc-fix”) and extended and reformed Federal funded Unemployment Insurance benefits for the remainder of calendar year 2012. Title IV of the Act extends the authorization of the Temporary Assistance for Needy Families (TANF) state block grant program at current level of \$16.5 billion annually, through September 30, 2012. The Act also improves program administration by standardizing data elements to improve integrity and collaboration. The measure would also prohibit welfare funds from being accessed in strip clubs, liquor stores, and casinos by blocking welfare Electronic Benefit Transfer (EBT) cards from working in ATMs there.

The measure requires states receiving Federal grants through the Temporary Assistance for Needy Families (TANF) program to maintain policies that prevent TANF assistance from being used in a transaction in a liquor store, gaming establishment, or any retail establishment that provides adult entertainment in which performers disrobe.

The measure further requires that Federal TANF assistance be reduced by 5 percent in any state that does not report its implementation of these policies within 2 years. The reduction would be enforced in the fiscal year immediately succeeding the year in which two year period ends and would continue each year until the state demonstrates that these policies have been implemented. (Note: See also the discussion of H. Res. 72 under “3. House Resolutions Considered in the House.”)

*P.L. 112–105, (S. 2038)*

*Stop Trading on Congressional Knowledge Act of 2012 (STOCK Act)*

S. 2038 was introduced on January 26, 2012 by Senator Joseph Lieberman and referred to the Senate Committee on Homeland Security and Governmental Affairs. On February 2, 2012 the bill passed the Senate by a recorded vote of 96 yeas to 3 nays. On February 6, 2012 the bill was received by House and held at the desk. On February 9, 2012 the bill passed the House, amended, under suspension of the rules by a recorded vote of 417 yeas to 2 nays. On March 22, 2012 the Senate agreed to the House amendment to

the bill by unanimous consent. The measure was presented to the President on March 28, 2012 and signed into law on April 4, 2012.

The Stop Trading on Congressional Knowledge Act of 2012 requires the congressional ethics committees to issue interpretive guidance of the rules of each chamber, including rules on conflicts of interest and gifts, with respect to the prohibition against the use by Members of Congress and congressional employees including Legislative Branch offices and employees), as a means for making a private profit, of any nonpublic information derived from their positions as members or congressional employees, or gained from performance of the individual's official responsibilities.

The Act declares that such Members and employees are not exempt from the insider trading prohibitions arising under the securities laws, including the Securities Exchange Act of 1934 and Rule 10b-5.

The measure amends the Securities Exchange Act of 1934 to declare that such Members and employees owe a duty arising from a relationship of trust and confidence to Congress, the U.S. Government and U.S. citizens with respect to material, nonpublic information derived from their positions as Members or congressional employees or gained from performance of the individual's official responsibilities.

The Act also amends the Commodity Exchange Act to apply to Members and congressional employees, or to judicial officers or employees its prohibitions against certain transactions, involving the purchase or sale of any commodity in interstate commerce, or for future delivery, or any swap.

*P.L. 112-132 (S. 3261)*

*To allow the Chief of the Forest Service to award certain contracts for large air tankers.*

S. 3261 was introduced on June 4, 2012 by Senator Wyden and referred to the Senate Committee on Agriculture, Nutrition, and Forestry. The bill was discharged from Committee and passed by the Senate by Unanimous Consent on June 7, 2012. On that same day the bill was received in the House and referred to the Committee on Agriculture. The measure was discharged from Committee and passed by the House by Unanimous Consent on June 8, 2012. On June 13, 2012, the bill was presented to the President and signed into Public Law 112-132.

The Act waives the congressional mandated 30 day notification period before the Forest Service can issue new contracts for aircraft for its air tanker fleet. The West is currently experiencing a drought that drastically increased the hazards of wildfire this year and the measure gives the Forest Service the tools to modernize its fleet of air tankers immediately. The fleet is currently using several tankers that have been in service for 50 years or longer.

*P.L. 112-177, (S. 3552), Pesticide Registration Improvement Extension Act of 2012*

S. 3552 was introduced on September 13, 2012 by Senator Debbie Stabenow and was passed in the Senate without amendment by unanimous consent on the same day. The measure was received in the House on September 14, 2012 and held at the desk. On that same day, Chairman Lucas asked unanimous consent that



the Act be taken from the Speaker's table and considered. The measure was then considered and passed without objection. The measure was received by the President on September 20, 2012 and signed into law on September 28, 2012. Under PRIA 1, the EPA's Office of Pesticide Programs was required to process applications within timeframes specified for each of the 50 categories of registration actions. That number has since increased, and would be set at 189 under the proposed reauthorization. PRIA retained and increased the product maintenance fees that support re-registration and tolerance reassessment authorized under the Food Quality Protection Act. Pesticide registrants paid \$110 million in maintenance fees during the authorization of PRIA and registrants are scheduled to pay \$139 million in maintenance fees for the five year period to be covered by the proposed "PRIA 3."

PRIA established a prohibition against the collection of other registration fees, as distinct from registration service fees, authorized under the Federal Insecticide, Fungicide and Rodenticide Act, FIFRA. PRIA also suspended the Agency's authority to collect tolerance fees which had been authorized by the Federal Food, Drug and Cosmetic Act, FFDCA.

In the absence of this reauthorization, substantially higher fees whose authority is suspended by this legislation would be collected with the revenue going directly to the U.S. Treasury where it would be unavailable to EPA's Pesticide Program. This would necessitate the discretionary appropriation of new funds to carry out pesticide review activities and eliminate the transparency and accountability measures enacted in PRIA which have placed effective checks on the EPA.

The Pesticide Registration Improvement Extension Act of 2012: extends the authority of EPA to collect maintenance fees until 2017; extends the prohibition on collection of other registration and tolerance fees to 2019 and 2017, respectively; establishes a small business cap; allocates funds for EPA to use for the enhancement and improvement of "IT" systems for the registration of pesticides and tracking of key information; amends the percentage of maintenance fees devoted to review of inert ingredients; increases registration service fees during the life of PRIA 3 by 2.5 percent; provides that the Administrator shall identify reforms in processing that would allow it to improve decision times beyond those provided for in the Act; and cites new schedule of decision review times.

*P.L. 112-XXX, (S. 3666) A bill to amend the Animal Welfare Act to modify the definition of "exhibitor"*

S. 3666 was introduced in the Senate on December 6, 2012, by Senator David Vitter and was agreed to on the same day by unanimous consent without amendment. S. 3666 was received in the House on December 7, 2012, and referred to the Committee on Agriculture. The measure was considered by the House on December 31, 2012, and passed under suspension of the rules by a voice vote.

The measure amends the Animal Welfare Act to exclude from the definition of "exhibitor," for purposes of the licensing and other regulatory requirements of the Act; owners of common, domesticated household pets who derive less than a substantial portion of income

from a nonprimary source for exhibiting an animal that exclusively resides at the residence of the pet owner.

*P.L. 112-XXX, (H.R. 8)*

*American Taxpayer Relief Act of 2012*

H.R. 8 was introduced in the House on July 24, 2012 by Representative Dave Camp and referred to the Committee on Ways and Means in addition to the Committee on the Budget. On July 31, 2012, the Rules Committee reported H. Res 747 (H. Rept. 112-641) to the House allowing for consideration of H.R. 6169 and H.R. 8. The resolution was considered and agreed to in the House on August 1, 2012 by a recorded vote of 240 yeas to 184 nays. H.R. 8 was subsequently agreed to by a recorded vote of 256 yeas to 171 nays. The measure was received in the Senate on September 9, 2012 and laid before the Senate by unanimous consent on January 1, 2013. The measure was agreed to in the Senate on January 1, 2013, with an amendment and an amendment to the Title by a recorded vote of 89 yeas to 8 nays. A message on Senate action was sent to the House on that same day and the House Rules Committee reported H. Res. 844 (H. Rept. 112-741) to the House to allow for consideration of the Senate amendments to H.R. 8. The resolution was agreed to by a recorded vote of 408 yeas to 10 nays. H.R. 8, as amended by the Senate, was ultimately agreed to in the House by a recorded vote of 257 yeas to 167 nays.

Under the measure, income tax rates will rise on individuals making more than \$400,000 and families making more than \$450,000; the Alternative Minimum Tax is permanently indexed for inflation and the estate tax rises to 40 percent from its current 35 percent level, with the first \$5 million in assets exempted.

Of special importance to the Committee on Agriculture is the measure's inclusion of an extension of the 2008 farm bill policies which continue current commodity support programs (including the Milk Income Loss Contract Program) until September 30, 2013. Maximum enrollment in the Conservation Reserve Program is maintained at 32 million acres. Finally, disaster provisions in the bill authorize; \$80 million for livestock indemnity payments; \$400 million for the livestock forage disaster program; \$50 million for emergency assistance for livestock, honey bees and farm-raised fish; as well as \$20 million for tree assistance.

*Other Bills: Several bills acted on by other committees, but not acted on by the Committee on Agriculture contain provisions relating to matters with the Committee's jurisdiction. The following are abbreviated summaries of these bills, including some of the relevant provisions.*

Legislative Matters

*P.L. 112-41, (H.R. 3080)*

*United States-Korea Free Trade Agreement Implementation Act*

H.R. 3080 was introduced on October 3, 2011 by Representative Eric Cantor and referred to the Committee on Ways and Means. On October 5, 2011 the bill was ordered reported by a recorded vote of 31 yeas to 5 nays. On October 6, 2011 the bill was reported to the House, H. Rept. 112-239. On October 12, 2011 the bill passed the House by a recorded vote of 278 yeas to 151 nays. On

that same date the bill passed the Senate by a recorded vote of 83 yeas to 15 nays. On October 21, 2011 the bill was signed by the President into Public Law 112–41.

The Act will implement the agreement establishing a free trade area between the United States and Korea that was signed on June 30, 2007. The United States-Korea Free Trade Agreement covers all agricultural and industrial sectors, provides for expanded market access for U.S. services, contains greater protections for U.S. intellectual property rights holders, and includes strong labor and environment provisions.

Currently, U.S. industrial goods face an average tariff of 6.2 percent in Korea, paying over \$1.3 billion a year. Korean exports enter the United States at an average tariff of only 2.8 percent—less than  $\frac{1}{2}$  the Korean rate. The agreement will significantly open up the Korean market, helping U.S. exporters gain greater access. The International Trade Commission (‘ITC’) estimates that U.S. exports to Korea would increase by \$9.7–10.9 billion as a result of tariff reductions alone.

U.S. agriculture exports to Korea currently face an average tariff of 54 percent, whereas Korean agricultural exports to the United States face average tariffs of just 9 percent. The agreement would remedy this by making more than  $\frac{1}{2}$  of current U.S. farm exports to Korea by value duty-free immediately upon implementation, including U.S. exports of wheat, corn for feed, soybeans for crushing, whey for feed use, hides and skins, cotton, cherries, pistachios, almonds, grape juice, and wine. The agreement would also address key non-tariff barriers. For example, Korea would recognize the equivalence of the U.S. food safety system for meat, poultry, and processed foods.

*P.L. 112–42, (H.R. 3078)*

*United States-Colombia Trade Promotion Agreement Implementation Act*

H.R. 3078 was introduced on October 3, 2011 by Representative Eric Cantor and referred to the Committee on Ways and Means. On October 5, 2011 the bill was ordered reported by a recorded vote of 24 yeas to 12 nays. On October 6, 2011 the bill was reported to the House, H. Rept. 112–237. On October 12, 2011 the bill passed the House by a recorded vote of 262 yeas to 167 nays. On that same date the bill passed the Senate by a recorded vote of 66 yeas to 33 nays. On October 21, 2011 the bill was signed by the President into Public Law 112–42.

The Act will implement the agreement establishing a free trade area between the United States and Colombia that was signed on November 22, 2006. That agreement was approved by the Colombian Congress in June 2007 and again in October 2007 after it was modified to include new provisions after the May 10, 2007 bipartisan understanding between Congressional leaders and the Administration. The agreement will immediately eliminate duties on 80% of U.S. exports of consumer and industrial products to Colombia. Most remaining tariffs will be eliminated within 10 years of implementation.

Currently, U.S. agriculture exports to Colombia face an average tariff of 20 percent, whereas only two Colombian agricultural exports to the United States face tariffs above three percent. The

agreement would remedy this by providing immediate duty-free treatment for 77.5 percent of Colombia's agricultural tariff lines, including U.S. exports of soybeans, cotton, wheat, barley, peanuts, bacon, high-quality beef, the vast majority of processed products, and almost all fruit and vegetable products, with tariffs eliminated on almost 93 percent of agricultural tariff lines within 10 years. The agreement would immediately eliminate Colombia's separate 'price band' variable tariffs for U.S. exports, which the European Union's trade agreement with Colombia does not eliminate for EU exports.

As a result, the ITC estimates significant gains in U.S. agricultural exports. For example, the ITC estimates that U.S. exports of grains could increase by 55 to 77 percent and soybeans, soybean products, and animal feeds by 30 to 50 percent. The agreement would also provide guarantees against key non-tariff barriers. For example, Colombia has committed to continuing to recognize the equivalence of the U.S. food safety system for meat and poultry and would provide access for all U.S. beef and beef products consistent with international norms.

*P.L. 112-43, (H.R. 3079)*

*United States-Panama Trade Promotion Agreement Implementation Act*

H.R. 3079 was introduced on October 3, 2011 by Representative Eric Cantor and referred to the Committee on Ways and Means. On October 5, 2011 the bill was ordered reported by a recorded vote of 32 yeas to 3 nays. On October 6, 2011 the bill was reported to the House, H. Rept. 112-238. On October 12, 2011 the bill passed the House by a recorded vote of 300 yeas to 129 nays. On that same date the bill passed the Senate by a recorded vote of 77 yeas to 22 nays. On October 21, 2011 the bill was signed by the President into Public Law 112-43.

The United States-Panama Trade Promotion Agreement Implementation Act approves the United States-Panama Trade Promotion Agreement that was signed on June 28, 2007, with the Government of Panama, and the statement of administrative action proposed to implement the agreement, both submitted to Congress on October 3, 2011.

The agreement covers all agricultural and industrial sectors, provides for greatly expanded market access for U.S. services, contains greater protections for U.S. intellectual property rights holders, and includes strong labor and environmental provisions.

Currently, U.S. industrial goods face an average tariff of 7 percent in Panama, with some tariffs as high as 81 percent. Almost all Panamanian exports enter the United States duty free due to low U.S. tariffs and U.S. trade preference programs. The agreement would transition the U.S.-Panama trading relationship from one-way preferences to full partnership and reciprocal commitments, helping U.S. exporters gain greater access to the Panamanian market, one of the fastest growing in Latin America. The International Trade Commissions ('ITC') estimates that U.S. exports to Panama for certain sectors would increase up to 145 percent.

U.S. agriculture exports to Panama currently face an average tariff of 15 percent, whereas more than 99 percent of Panamanian

agricultural exports to the United States enter duty-free. The agreement would remedy this by making more than ½ of current U.S. farm exports to Panama by value duty-free immediately upon implementation, including U.S. exports of pork, rice, soybeans, cotton, wheat, and most fresh fruit. The agreement would also address key non-tariff barriers. For example, Panama would recognize the equivalence of the U.S. food safety system for meat, poultry, and processed foods and would provide access for all U.S. beef and beef products consistent with international norms.

#### Appropriations

##### *P.L. 112-4, (H.J. Res. 44)*

##### *Further Continuing Appropriations Amendments*

H.J. Res. 44 was introduced on February 28, 2011 by Representative Harold Rogers and referred to the Committee on Appropriations and in addition to the Committee on the Budget. On March 1, 2011 the resolution passed the House by a recorded vote of 335 yeas to 91 nays. On March 2, 2011 the resolution passed the Senate by a recorded vote of 91 yeas to 9 nays, clearing the measure for the President. On that same date the resolution was presented to the President and signed into Public Law 112-4.

The Act amends the Continuing Appropriations Act of 2011 (P.L. 111-242) to extend through March 18, 2011, specified continuing appropriations for FY 2011.

The measure also makes certain provisions under the Agriculture, Rural Development, food and Drug Administration, and Related Appropriations Act, 2010 relating to “Rural Development Programs—Rural Utilities Service—Distance Learning, Telemedicine, and Broadband Program” for the principal amount of broadband telecommunication loans and for the cost of certain broadband loans inapplicable to funds appropriated by the Continuing Appropriation Act of 2011.

##### *P.L. 112-6 (H.J. Res. 48)*

##### *Additional Continuing Appropriations Amendments, 2011*

H.J. Res. 48 was introduced on March 11, 2011 by Representative Harold Rogers and referred to the Committee on Appropriations. On March 15, 2011 the resolution passed the House by a recorded vote of 271 yeas to 158 nays. On March 17, 2011 the resolution passed the Senate by a recorded vote of 87 yeas to 13 nays clearing the measure for the President. On March 18, 2011 the resolution was signed by the President into Public Law 112-6.

The Additional Continuing Appropriations Act amends the Continuing Appropriations Act of 2011 (P.L. 111-242) to extend through April 8, 2011, specified continuing appropriations for FY 2011.

The Act provides funding at a specified rate of operations for certain agricultural, conservation, and rural development programs. Eliminates specified funding for: (1) the Agricultural Research Service; (2) the Natural Resources Conservation Service; (3) the National Telecommunications and Information Administration; (4) the Federal Payment to the Office of the Chief Financial Officer for the District of Columbia; (5) the International Fund for Ireland; (6) the Department of Housing and Urban Development (HUD),

Brownfields Redevelopment; and (7) the Federal Railroad Administration.

The Act also eliminated specified funds made available in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 for: (1) a certain grant to the National Center for Natural Products Research; (2) an agricultural pest facility in Hawaii; (3) the Congressional Hunger Fellows Program; (4) grants to the Wisconsin Department of Agriculture, Trade, and Consumer Protection, to the Vermont Agency of Agriculture, Foods, and Markets, and to the Wisconsin Department of Agriculture, Trade and Consumer Protection; (5) development of a prototype for a national carbon inventory and accounting system for forestry and agriculture; (6) the International Food Protection Training Institute; and (7) the Center for Foodborne Illness Research and Prevention.

*P.L. 112–8 (H.R. 1363)*

*Further Additional Continuing Appropriations Amendments, 2011*

H.R. 1363 was introduced on April 4, 2011 by Representatives Harold Rogers and referred to the Committee on Appropriations and in addition to the Committee on the Budget. On April 7, 2011 the bill passed the House by a recorded vote of 247 yeas to 181 nays. On April 8, 2011 the Senate passed the bill, amended, by a voice vote. On April 9, 2011 the House agreed to the Senate amendment by a recorded vote of 348 yeas to 70 nays. On that same date the bill was presented to the President and signed into Public Law 112–8.

The Further Additional Continuing Appropriations Act, 2011 amends the Continuing Appropriations, 2011 to extend from December 3, 2010, to April 15, 2011, the date by which appropriations and funds made available authority granted pursuant to such Act shall be available.

*P.L. 112–10 (H.R. 1473)*

*Department of Defense and Full-Year Continuing Appropriations Act, 2011*

H.R. 1473 was introduced on April 11, 2011 by Representatives Harold Rogers and referred to the Committee on Appropriations and in addition to the Committee on the Budget and Ways and Means. On April 14, 2011 the bill passed the House by a recorded vote of 260 yeas to 167 nays. On that same day the bill passed the Senate by a recorded vote of 81 yeas to 19 nays. On April 15, 2011 the bill was presented to the President and signed into Public Law 112–10.

Division B of the Act makes continuing appropriations for FY 2011 by appropriating FY 2011 amounts at FY 2010 level for such operating, projects or activities as were conducted in FY 2010 and for which appropriations, funds, or other authority were made available in: (1) the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010; (2) the Energy and Water Development and Related Agencies Appropriations Act, 2010; (3) the Department of Homeland Security Appropriations Act, 2010; (4) the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010; (5) the

Legislative Branch Appropriations Act, 2010; (6) the Consolidated Appropriations Act, 2010; and (7) chapter 1 of title I of the Supplemental Appropriations Act, 2010, addressing guaranteed loans in the rural housing insurance fund. (Note: See also the discussion of H.R. 1 under “7. Bills Acted on by Both Houses But Not Enacted.”)

*P.L. 112–33, (H.R. 2017)*

*Continuing Appropriations Act, 2012*

H.R. 2017 was introduced and reported as an original measure by Representative Robert Aderholt on May 26, 2011, H. Rept. 112–91. On June 2, 2011 the bill passed the House, amended, by a recorded vote of 231 yeas to 188 nays. On September 7, 2011 the Senate Committee on Appropriations reported the bill with amendment, S. Rept. 112–74. On September 26, 2011 the Senate adopted a full substitute amendment converting the measure into a Continuing Appropriations Act and passed the bill, as amended, by a voice vote. On September 29, 2011 the House agreed to the Senate amendments by unanimous consent. On September 30, 2011 the bill was presented to the President and signed into Public Law 112–33.

The Continuing Appropriations Act makes continuing appropriations for FY 2012 thru October 4, 2011.

*P.L. 112–36 (H.R. 2608)*

*Continuing Appropriations Act, 2012*

H.R. 2608 was introduced by Representative Sam Graves on July 21, 2011 and referred to the Committee on Small Business. On July 26, 2011 the bill passed the House under suspension of the rules, as amended by a voice vote. On July 28, 2011 the bill passed the Senate with an amendment by unanimous consent. On September 21, 2011, a complete substitute amendment converting the measure into a Continuing Appropriations Act was rejected by the House by a recorded vote of 195 yeas to 230 nays. On September 23, 2011 the House adopted a second amendment by a recorded vote of 219 yeas to 203 nays. This amendment was identical to the first, except it included a \$100 million rescission of FY 2011 spending from DOE’s Title XVII Innovative Technology Loan Guarantee Program. On September 26, 2011 the Senate concurred in the House amendment to the Senate amendment with an amendment by a recorded vote of 79 yeas to 12 nays. On October 4, 2011 the House agreed to the Senate amendment to the House amendment to the Senate amendment by a recorded vote of 352 yeas to 66 nays. On October 5, 2011 the bill was signed by the President into Public Law 112–36.

The Continuing Appropriations Act makes continuing appropriations for FY 2012 thru November 18, 2011.

*P.L. 112–55 (H.R. 2112)*

*Consolidated and Further Continuing Appropriations Act, 2012*

H.R. 2112 was introduced and reported as an original measure by Representative Jack Kingston on June 3, 2011, H. Rept. 112–101. On June 16, 2011 the bill passed the House by a vote of 217 yeas to 203 nays. On September 7, 2011 the Senate Committee on Appropriations reported the bill with an amendment in the nature of a substitute, S. Rept. 112–73. On November 1, 2011 the bill was

passed by the Senate with an amendment and an amendment to the Title by a recorded vote of 65 yeas to 30 nays converting the measure into a Consolidated and Further Continuing Appropriations Act. On November 14, 2011 conference report, H. Rept. 112–284 was filed and agreed to in the House by a roll call vote of 298 yeas to 121 nays as well as in the Senate by a recorded vote of 70 yeas to 30 nays. The bill was presented to the President on November 17 and signed into Public Law 112–55 on November 18, 2011.

The agricultural agencies addressed in this bill will receive a total of \$136.6 billion in both discretionary and mandatory funding, a reduction of \$4.6 billion from the President’s request based on the Administration’s Mid-Session Review. Discretionary funding in the legislation totals \$19.8 billion—a reduction of \$350 million below last year’s level and a cut of \$2.5 billion from the President’s request.

The Act also provides more than \$2.5 billion for agricultural research programs, including the Agricultural Research Service and the National Institute of Food and Agriculture. This is a reduction of \$53 million from the Fiscal Year 2011 level; includes \$820 million—\$47 million below last year’s level—for the Animal and Plant Health Inspection Service (APHIS); provides \$1.2 billion for FSA Salaries and Expenses, a decrease of \$9 million below the Fiscal Year 2011 level and \$158 million below the President’s request. Of the total, the bill provides not less than \$66.7 million for the continued modernization (MIDAS) of FSA’s information technology systems; provides \$844 million for Natural Resources Conservation Service (NRCS) programs—a reduction of \$45 million below the Fiscal Year 2011 level; includes \$1 billion for food safety and inspection programs—approximately the same as last year’s level; provides a total of nearly \$2.5 billion in discretionary funding for U.S. Food and Drug Administration (FDA)—\$50 million above last year’s level and \$234 million below the President’s request. Total funding for the FDA, including user fees, is \$3.8 billion.

Mandatory food and nutrition programs within the Department of Agriculture—including SNAP and child nutrition—are funded at \$98.6 billion—\$2 billion less than the President’s request. This funding includes \$3 billion in reserve funds in case of unanticipated increases in participation or food price increases.

The Act places restrictions on the implementation of a Grain Inspection and Packers and Stockyards Administration (GIPSA) rule.

The Act also provides \$2.25 billion for rural development programs—\$180 million below the Fiscal Year 2011 level. This funding includes \$42.5 million to support \$900 million in loan authority for the “502” direct single-family housing loan program, provides \$900 million for the rental assistance program, \$75 million for the Business and Industry Loan Guarantee program, \$513 million for rural water and waste programs, \$7.7 billion in loans for the rural electric and telecommunications program, and \$212 million in loans for broadband deployment in rural areas.

The Act further provides \$205 million for the CFTC—a reduction of \$103 million below the President’s request.

*P.L. 112–67 (H.J. Res. 94)*

*Making further continuing appropriations for fiscal year 2012, and for other purposes.*



H.J. Res. 94 was introduced by Representative Harold Rogers on December 16, 2011. On that same date the resolution was passed by the House and the Senate by unanimous consent and signed by the President into Public Law 112-67.

H.J. Res. 94 amends the Continuing Appropriations Act, 2012 (P.L. 112-36) to extend through December 17, 2011, specified continuing appropriations for FY 2012.

*P.L. 112-68 (H.J. Res. 95)*

*Making further continuing appropriations for fiscal year 2015, and for other purposes.*

H.J. Res. 95 was introduced by Representative Harold Rogers on December 16, 2011. On that same date the resolution was passed by the House and the Senate by unanimous consent. On December 17, 2011 the resolution was signed by the President into Public Law 112-68.

H.J. Res. 95 amend the Continuing Appropriations Act, 2012 (P.L. 112-36) to extend through December 23, 2011, specified continuing appropriations for FY 2012.

*P.L. 112-74 (H.R. 2055)*

*Consolidated Appropriations Act, 2012*

H.R. 2055 was introduced and reported as an original measure by Representative John Abney Culberson on May 31, 2011, H. Rept. 112-94. As reported, H.R. 2055 was the Military Construction, Veterans Affairs, and Related Agencies, FY 2012 Appropriations bill. However, H.R. 2055 became the vehicle for a number of unenacted appropriations, and a conference began on December 8, 2011. A conference report, H. Rept. 112-331 was filed on December 15, 2011. On December 16, 2011 the House agreed to the Conference Report by a recorded vote of 296 yeas to 121 nays. On December 17, 2011 the Senate agreed to the Conference Report by a recorded vote of 67 yeas to 32 nays. On December, 23, 2011 the bill was signed by the President in to Public Law 112-74.

H.R. 2055 makes appropriations for FY 2012 to the Environmental Protection Agency and the Department of Agriculture for the Forest Service for (1) forest and rangeland research; (2) state and private forestry; (3) the National Forest System; (4) land acquisitions, including specified National Forest areas in Utah, Nevada, and California; (5) range rehabilitation, protection, and improvement; (6) gifts, donations, and bequests for forest and rangeland research; (7) Federal land management in Alaska; (8) wildland fire management (including transfers of funds); and (9) the FLAME Wildfire Suppression Reserve Fund (including transfers of funds).

The Act authorizes the EPA Administrator to collect and obligate pesticide registration service fees in accordance with the Federal Insecticide Fungicide, and Rodenticide Act (FIFRA).

The Act also makes funds appropriated to the Forest Service available for assistance to or through the Agency for International Development (USAID) to support forestry and related natural resource activities outside the United States and U.S. territories and possessions. Authorizes the Forest Service to sign direct funding agreements with foreign governments and institutions, as well as other domestic agencies, U.S. private sector firms, institutions, and

organizations to provide technical assistance and training programs overseas on forestry and rangeland management.

The measure prohibits subjecting funds made available to the Forest Service in this Act or any other Act to transfer under certain transfer authorities under the Department of Agriculture Organic Act of 1944, P.L. 106–224 (the Plant Protection Act of the Agricultural Risk Protection Act of 2000) and P.L. 107–107 (the Animal Health Protection Act of the National Defense Authorization Act for Fiscal Year 2002).

The Act also makes funds appropriated to the Forest Service available for making annual payments to certain counties within the Columbia River Gorge National Scenic Area in Oregon and Washington state pursuant to P.L. 99–663 (Columbia River Gorge National Scenic Area Act).

The Act directs the Secretary of Agriculture, through the Forest Service, to make the requirements of the Healthy Forests Restoration Act of 2003 which provide for a pre-decisional objection process respecting an authorized hazardous fuel reduction project on Forest Service land applicable to proposed actions of the Forest Service concerning projects and activities that implement land and resource management plans developed under the Forest and Rangeland Renewable Resources Planning Act of 1974.

*P.L. 112–175 (H.J. Res. 117)*

*Continuing Appropriations Resolution, 2013*

H.J. Res. 117 was introduced in the House on September 10, 2012 by Representative Harold Rogers and referred to the Committees on Appropriations and the Budget. The measure was agreed to in the House on September 13, 2012 by a recorded vote of 329 yeas to 91 nays. On September 22, 2012, the measure was passed in the Senate by a recorded vote of 62 yeas to 30 nays. The Resolution was presented to the President on September 25, 2012, and signed into law on September 28, 2012.

The Continuing Appropriations Resolution, 2013 makes continuing appropriations for FY 2013 with the following areas of special interest to the Committee on Agriculture:

- (Sec. 101) Appropriates amounts for continuing operations, projects, or activities which were conducted in FY 2012 and for which appropriations, funds, or other authority were made available in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012 (division A of P.L. 112–55), except for appropriations designated by Congress for disaster relief in such Act
- (Sec. 111) Continues funding through March 27, 2013, at the FY 2012 level for entitlements and other mandatory payments whose budget authority was provided in FY 2012 appropriations Acts, as well as for activities under the Food and Nutrition Act of 2008.
- (Sec. 118) Waives application to this joint resolution of the limitation placed, until October 1, 2012, on the use of funds for the fresh fruit and vegetable program under the Richard B. Russell National School Lunch Act.
- (Sec. 119) Provides funding from amounts provided for the “Department of Agriculture—Domestic Food Programs—Food and

Nutrition Service—Commodity Assistance Program” at a specified rate for operations, with a specified allocation for the Commodity Supplemental Food Program.

- Sec. 140) Provides funding for the “Department of the Interior—Department-wide Programs—Wildland Fire Management” and the “Department of Agriculture—Forest Service—Wildland Fire Management” at specified rates for operations. Appropriates additional funding for FY 2013 for such purposes, to remain available until expended, for repayment to other appropriations accounts from which funds were transferred in FY 2012 for wildfire suppression.
- (Sec. 143) Continues through March 27, 2013, the Secretary of Agriculture’s authority to implement a pilot program to enhance Forest Service administration of rights-of-way and other land uses.
- (Sec. 144) Continues through March 27, 2013, requirements and/or authority under the Federal Insecticide, Fungicide, and Rodenticide Act regarding: (1) adjustment of annual maintenance fees payable for each pesticide registration, (2) review and evaluation of inert ingredients of pesticides in registration applications, (3) Environmental Protection Agency (EPA) use of certain amounts in the Pesticide Registration Fund to enhance scientific and regulatory activities relating to worker protection, and (4) exemption of a public health pesticide from payment of the maintenance fee if its economic return to the registrant from sales does not support its registration or reregistration. Extends through March 27, 2013: (1) EPA authority to collect pesticide registration service fees, and (2) the prohibition against collection of certain tolerance fees for pesticide chemical residue in or on food.

## 2. *Bills Acted on by the House But Not the Senate*

### *H.R. 872, Reducing Regulatory Burdens Act of 2011*

H.R. 872 was introduced on March 2, 2011 by Representative Bob Gibbs, and referred to the Committee on Transportation and Infrastructure and in addition to the Committee on Agriculture. On March 9, 2011, the Committee on Agriculture ordered reported the bill, amended, by a voice vote. On March 16, 2011, the Committee on Transportation and Infrastructure ordered reported the bill, amended, by a recorded vote of 46 yeas to 8 nays. The measure was reported to the House on March 29, 2011, by both committees of jurisdiction, H. Rept. part 1 and 2. On March 30, 2011, the bill was considered in the House under suspension of the rules with the vote postponed until the following day. The bill then passed the House, amended, by a recorded vote of 292 yeas to 130 nays on March 31, 2011. On April 4, 2011, the measure was received in the Senate and referred to the Committee on Agriculture, Nutrition, and Forestry.

The Reducing Regulatory Burdens Act of 2011, H.R. 872, amends the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of application of pesticides or residue of pesticides in or near navigable waters.

### The Federal Insecticide, Fungicide, and Rodenticide Act

The Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA") is a regulatory statute that governs the sale and use of pesticides in the United States through the registration and labeling of such products. Its objective is to protect human health and the environment from unreasonable adverse effects of pesticides, taking into account the costs and benefits of various product uses. Pesticides regulated under FIFRA include insecticides, herbicides, fungicides, rodenticides, and other designated substances. The Environmental Protection Agency ("EPA") reviews scientific data submitted by chemical manufacturers on toxicity and behavior in the environment to evaluate risks and exposure associated with a product's use.

FIFRA prohibits the sale of any pesticide unless it is registered and labeled indicating approved uses and restrictions. It is a violation of Federal law to use such a chemical in a manner that is inconsistent with the label instructions. If a registration is granted, EPA makes a finding that the chemical "when used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment." (7 U.S.C.136a(c)(5)(D).) EPA then specifies the approved uses and conditions of use of the pesticide, and this is required to be explained on the product label.

### The Clean Water Act

The objective of the Federal Water Pollution Control Act (commonly known as the "Clean Water Act" or the "CWA") is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. The primary mechanism for achieving this objective is the CWA's prohibition on the discharge of any pollutant without a National Pollutant Discharge Elimination System ("NPDES") permit. EPA has the authority to regulate the discharge of pollutants either through general permits or through individual permits. NPDES permits specify limits on what pollutants may be discharged from point sources and in what amounts. Under the CWA, 47 states and territories have been authorized to implement NPDES permits and enforce permits. EPA manages the Clean Water Act program in the remaining states and territories.

NPDES permits are the basic regulatory tool of the CWA. EPA or an authorized state may issue compliance orders, or file civil suits against those who violate the terms of a permit. In addition, in the absence of Federal or state action, individuals may bring a citizen suit in United States district court against those who violate the terms of an NPDES permit, or against those who discharge without a valid permit.

### Litigation

In over 30 years of administering the CWA, EPA had never required an NPDES permit for the application of a pesticide, when the pesticide is applied in a manner consistent with FIFRA and its regulations. While the CWA contains a provision granting citizen suits against those who violate permit conditions or those who discharge without an NPDES permit, FIFRA has no citizen suit provision. As a result, beginning in the late 1990s, a series of citizen lawsuits were filed by parties, contending that an NPDES permit

is necessary when applying a FIFRA-regulated product over, into, or near waterbodies. These cases generated several Court of Appeals decisions that created confusion and concern among pesticide users regarding the applicability of the CWA with regard to pesticide use.

As the litigation continued, concern and confusion grew among farmers, forest landowners, and public health officials, prompting EPA to issue interim, and later final, interpretive guidance in August 2003 and January 2005, and then to undertake a rulemaking to clarify and formalize the Agency's interpretation of the CWA as it applied to pesticide use. The EPA rule was finalized in November 2006 (71 *Fed. Reg.* 68483 (Nov. 27, 2006)), and was the culmination of a three year participatory rulemaking process that began with the interim interpretive statement in 2003 and involved two rounds of public comment.

The 2006 EPA rule codified EPA's long-standing interpretation that the application of chemical and biological pesticides for their intended purpose and in compliance with pesticide label restrictions is not a discharge of a "pollutant" under the CWA, and therefore, that an NPDES permit is not required. The rule clearly defined specific circumstances in which the use of pesticides in accordance with all relevant requirements under FIFRA is not a CWA "discharge of a pollutant," explaining in detail the rationale for the Agency's interpretation.

When the rule was finalized, environmental groups, as well as farm and pesticide industry groups, filed petitions for review of the rule in several Federal Circuit Courts of Appeal. The petitions were consolidated in the Sixth Circuit. The Sixth Circuit ultimately vacated the rule on January 7, 2009 in *National Cotton Council v. EPA* (553 F.3d 927; hereinafter, *National Cotton Council*), concluding that the final rule was not a reasonable interpretation of the CWA's permitting requirements. The court rejected EPA's contention that, when pesticides are applied over, into, or near waterbodies to control pests, they are not considered pollutants as long as they comply with FIFRA, and held that NPDES permits are required for all pesticide applications that may leave a residue in water.

EPA estimated that the ruling would affect approximately 365,000 pesticide applicators that perform some 5.6 million pesticide applications annually. The court's decision, which would apply nationally, was to be effective seven days after the deadline for rehearing expires or seven days after a denial of any petition for rehearing. Parties had until April 9, 2009 to seek rehearing.

On April 9, 2009, the government chose not to seek rehearing in the *National Cotton Council* case. The government instead filed a motion to stay issuance of the court's mandate for two years to provide EPA time to develop an entirely new NPDES permitting process to cover pesticide use. As part of this, EPA needed to propose and issue a final NPDES general permit for pesticide applications, for states to develop permits, and for EPA to provide outreach and education to the regulated community. Industry groups filed a petition seeking *en banc* review, asking the full Sixth Circuit to reconsider the decision from the three-judge panel.

On June 8, 2009, the Sixth Circuit granted EPA a two year stay of the court's mandate, in response to their earlier request. The

Sixth Circuit denied the industry groups' petition for rehearing in August 2009. The court-ordered deadline for EPA to promulgate a new permitting process for pesticides under the Clean Water Act is April 9, 2011. On March 3, 2011, EPA filed another request for an extension with the court. The new deadline or effective date is October 31, 2011.

Two petitions were filed with the U.S. Supreme Court in December 2009 by representatives of the agriculture community and the pesticide industry, requesting that the U.S. Supreme Court review the *National Cotton Council* case. A number of parties, including numerous Members of Congress, filed *amicus briefs* with the U.S. Supreme Court, in support of or opposition to the petitions. On February 22, 2010, the U.S. Supreme Court denied the petitioners' request without comment.

#### EPA Development of a New Permitting Process to Cover Pesticide Use

With a two year stay of the Sixth Circuit's mandate in place, EPA moved ahead with developing a new NPDES permitting process to cover pesticide use by the court-ordered deadline of April 9, 2011. The permit covers four pesticide uses: (1) mosquito and other flying insect pest control; (2) aquatic weed and algae control; (3) aquatic nuisance animal control; and (4) forest canopy pest control. It does not cover terrestrial applications to control pests on agricultural crops or forest floors, and does not cover activities exempt from permitting under the CWA (irrigation return flow, agricultural stormwater runoff) and discharges that will require coverage under an individual permit, such as discharges of pesticides to waterbodies that are considered impaired under CWA § 303(d) for that discharged pesticide.

#### Implications

The Committee has received testimony and other information on the implications of the Sixth Circuit's holding in the *National Cotton Council* case, and the new permitting process that EPA has to develop under the CWA as a result of that holding, on state and local agencies, mosquito control districts, water districts, pesticide applicators, agriculture, forest managers, and other stakeholders. On February 16, 2011, the Subcommittee on Water Resources and Environment of the House Committee on Transportation and Infrastructure held a joint hearing with the Nutrition and Horticulture Subcommittee of the House Committee on Agriculture to consider means for reducing the regulatory burdens posed by the case, *National Cotton Council v. EPA* (6th Cir. 2009), and to consider related draft legislation.

Despite being limited to four categories of pesticide uses, EPA's new general permit for covered pesticides stands to be the single greatest expansion of the permitting process in the history of the NPDES program. EPA has estimated that it can expect approximately 5.6 million covered pesticide applications per year by approximately 365,000 applicators—virtually doubling the number of entities currently subject to NPDES permitting. (U.S. EPA, Fact Sheet for 2010 *Public Notice of: Draft National Pollutant Discharge Elimination System (NPDES) Pesticides General Permit (PGP) for Discharges from the Application of Pesticides to or over, including*

*near Waters of the U.S.*, at 14, available at [http://www.epa.gov/npdes/pubs/proposed\\_pgp\\_fs.pdf](http://www.epa.gov/npdes/pubs/proposed_pgp_fs.pdf).)

With this unprecedented expansion comes real and tangible burdens for EPA and the states that will have to issue the permits, those whose livelihoods depend on the use of pesticides, and even everyday citizens going about their daily lives.

EPA has said that it will be able to conform its current process to meet the Sixth Circuit's mandate. Even so, much of the responsibility of developing and issuing general permits falls on the states. Forty-five states (and the Virgin Islands) will face increased financial and administrative burdens in order to comply with the new permitting process. In a time when too many states are being forced to make difficult budgetary cuts, the nation cannot afford to impose more financial burdens.

The expanded permitting process also imposes enormous burdens on pesticide users who encompass a wide range of individuals from state agencies, city and county municipalities, mosquito control districts, water districts, pesticide applicators, farmers, ranchers, forest managers, scientists and others. The new and duplicative permitting process will increase both the administrative difficulty and costs for pesticide applicators to come into compliance with the law. Compliance will no longer mean simply following instructions on a pesticide label. Instead, applicators will have to navigate a complex process of identifying the relevant permit, filing with the regulatory authority a valid notice of intent to comply with the permit and having a familiarity with all of the permit's conditions and restrictions. Along with increased administrative burdens comes an increased monetary burden. Estimates are that the cost associated with the EPA permit scheme to small businesses could be as high as \$50,000 annually.

In addition to the costs of coming into compliance, pesticide users will be subject to an increased risk of litigation and exorbitant fines. Applicators not in compliance face fines of up to \$37,500 per day per violation, not including attorney's fees. Given the fact that a large number of applicators have never been subject to NPDES and its permitting process, even a good faith effort to be in compliance could fall short. Moreover, the CWA allows for private actions against individuals who may or may not have committed a violation. Thus, while EPA may exercise its judgment and refrain from prosecuting certain applicators, they remain vulnerable to citizen suits. Unless Congress acts, hundreds of thousands of farmers, foresters, and public health pesticide users will go into the next season under threat of lawsuits once the Sixth Circuit's April 9, 2011 deadline passes.

It is not only pesticide regulators and applicators who will be affected by new permitting requirements. Rather, the Sixth Circuit's decision will affect everyday citizens, who rely on the benefits provided by pesticides and their responsible application. Pesticide use is an essential part of agriculture. Imposing a burdensome and duplicative permitting process on our nation's farmers threatens their ability to continue to provide the country with a safe and reliable food supply. Many family farmers and small applicators lack the resources to ensure compliance with a cumbersome and detailed permit scheme. Moreover, for those farmers who are able to comply, delays that are inherent in permitting schemes are ill-suited

for prompt pest control actions necessary in agriculture. Failure to apply a pesticide soon after a pest is first detected could result in recurring and greater pest damage in subsequent years if a prolific insect were to become established in plant hosts. The Secretary of Agriculture, Hon. Thomas J. Vilsack, has said that a permitting system under the CWA for pesticide use “is ill-suited to the demands of agricultural production.” (Letter, Hon. Thomas J. Vilsack, Secretary of Agriculture, to Hon. Lisa P. Jackson, Administrator, U.S. Environmental Protection Agency, Subject: The *National Cotton Council of America, et al., v. United States Environmental Protection Agency* (Mar. 6, 2009)).

Forest landowners also will suffer under the new permit scheme. EPA’s permit scheme will result in a reduction in the use of forest pest control as a forest management tool, resulting in the acceleration of tree mortality and general decline in overall forest health. It will also erect barriers for the control of pests, such as Gypsy Moth and Forest Tent Caterpillar. This may result in a higher incidence of preventable tree kills and defoliated landscapes.

Finally, the Sixth Circuit’s holding could have significant implications for public health. The National Centers for Disease Control officially recognizes the following as a partial list of mosquito-borne diseases—Eastern Equine Encephalitis, Japanese Encephalitis, La Crosse Encephalitis, St. Louis Encephalitis, West Nile Virus, Western Equine Encephalitis, Dengue Fever, Malaria, Rift Valley Fever, and Yellow Fever. (Centers for Disease Control and Prevention, [http://www.cdc.gov/ncidod/diseases/list\\_mosquitoborne.htm](http://www.cdc.gov/ncidod/diseases/list_mosquitoborne.htm).) EPA’s permit program poses the possibility of critical delays in emergency responses to insect and disease outbreaks and will divert resources from controlling environmental pests to litigation and administrative burdens.

#### Development of Legislation in Response to the Sixth Circuit Decision

As a result of concerns raised by Federal, state, local, and private stakeholders regarding the interrelationship between FIFRA and the CWA and the concerns posed by the new and duplicative permitting process under the CWA, the House Committee on Transportation and Infrastructure and House Committee on Agriculture sought technical assistance from EPA to draft very narrow legislation targeted only at addressing the Sixth Circuit’s holding in *National Cotton Council* and return the state of pesticide regulation to the status quo—before the courts got involved. H.R. 872 is based on the technical assistance that EPA provided to the Committees, and is intended to be consistent with EPA’s final rule from November 2006. The bill amends FIFRA and the CWA to eliminate the requirement of an NPDES permit for applications of pesticides authorized for sale, distribution, or use under FIFRA. (Note: See also the discussion of H. Res. 72 under “3. House Resolutions Considered in the House” and the discussion under “D. Oversight.”)



*H.R. 1343, To return unused or reclaimed funds made available for broadband awards in the American Recovery and Reinvestment Act of 2009 to the Treasury of the United States.*

H.R. 1343 was introduced by Representative Charles F. Bass on April 4, 2011 and referred to the Committee on Energy and Commerce and in addition to the Committee on Agriculture. On April 5, 2011 the Committee on Energy and Commerce ordered reported the bill, as amended by a voice vote. On September 29, 2011 the bill was reported by the Committee on Energy Commerce, H. Rept. 112–228, Part 1. On that same date the Committee on Agriculture was discharged from further consideration, however there was an exchange of letters between the respective committees that was printed in the *Congressional Record* during consideration on the House floor. On October 5, 2011 the bill passed the House, amended, under suspension of the rules by a voice vote. On October 6, 2011 the bill was received in the Senate and referred to the Committee on Commerce, Science, and Transportation.

H.R. 1343 requires the Administrator of the Rural Utilities Service or the Assistant Secretary of Commerce for Communications and Information to terminate for cause any award (including grants and loans) made under the Broadband Initiatives Program or the Broadband Technology Opportunities Program established pursuant to the American Recovery and Reinvestment Act of 2009, if the Administrator or Assistant Secretary determines that cause exists (including insufficient level of performance, wasteful spending, or fraudulent spending) to terminate the award.

The bill directs the Administrator or the Assistant Secretary to deobligate, upon terminating such an award, an amount equivalent to such award, less allowable costs, to the extent funds with respect to such award are available in the account relating to the respective programs (requires that any additional amount subsequently recovered be deobligated immediately upon receipt) and be returned to the Treasury's General Fund such deobligated amounts and any award returned or disclaimed by a recipient after enactment of this Act.

The bill also requires the Administrator or the Assistant Secretary, upon receiving information from the Inspector General of the Department of Agriculture (USDA), Inspector General of the Department of Commerce, or the Comptroller General pertaining to material noncompliance with award terms or improper usage of award funds, to: (1) review such information immediately, (2) determine whether cause exists to terminate such award (unless the relevant official recommends that such a determination not be made), and (3) notify Congress of any such determination.

*H.R. 2682, Business Risk Mitigation and Price Stabilization Act of 2011*

H.R. 2682 was introduced by Representative Michael Grimm July 28, 2011 and referred to the Committee on Financial services in addition to the Committee on Agriculture. On November 30, 2011 the Committee on Financial Services held a business meeting and ordered reported the bill, amended, by a voice vote. The Committee on Financial Services filed a report, H. Rept. 112–343, Part 1, on December 23, 2011. The Committee on Agriculture held a

business meeting January 25, 2012, and ordered reported the bill, amended, by a voice vote. On February 8, 2012 the Committee on Agriculture filed a report, H. Rept. 112–343, Part 2. On March 26, 2012 the bill passed the House, as amended, under suspension of the rules by a recorded vote of 370 yeas to 24 nays. On March 27, 2012 the measure was received in the Senate. The bill was placed on the Legislative Calendar in the Senate on March 28, 2012 under General Orders, Calendar No. 342.

H.R. 2682 amends the Commodity Exchange Act (CEA) to exempt, from the rules of prudential regulators for swap dealers and major swap participants with respect to initial and variation margin requirements for swaps not cleared by a registered derivatives clearing organization, those swaps in which one of the counterparties is: (1) not a financial entity, and (2) is eligible for exception from clearing requirements for certain significant price discovery agreements, contracts, or transactions in a commodity exempt from regulation by the Commodity Futures Trading Commission (CFTC).

The measure also amends the Securities Exchange Act of 1934, with respect to registration and regulation of security-based swap dealers and major security-based swap participants, to exempt from initial and variation margin requirements for swaps not cleared by a registered derivatives clearing organization any security-based swap in which one of the counterparties is: (1) not a financial entity, and (2) is eligible for exception from clearing requirements. (Note: See also the discussion under “D. Oversight.”)

*H.R. 2779, To exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act.*

H.R. 2779 was introduced by Representative Steve Stivers August 1, 2011 and referred to the Committee on Financial Services, in addition to the Committee on Agriculture. The Subcommittee on Capital Markets and Government Sponsored Enterprises held a business meeting November 15, 2011 and forwarded the measure to the full committee by a recorded vote of 23 yeas to 6 nays. On November 30, 2011 the Committee on Financial Services held a business meeting and ordered reported H.R. 2779, amended, by a recorded vote of 53 yeas to 0 nays. The Committee on Financial Services filed a report, H. Rept. 112–344, Part 1, on December 23, 2011. The Committee on Agriculture held a business meeting January 25, 2012, and ordered reported H.R. 2779, amended, by a voice vote. On February 8, 2012, a report was filed by the Committee on Agriculture, H. Rept. 112–344, Part 2. On March 26, 2012 the bill passed the House, as amended, under suspension of the rules by a recorded vote of 357 yeas to 36 nays. On March 27, 2012 the measure was received in the Senate. The bill was placed on the Legislative Calendar in the Senate on March 28, 2012 under General Orders, Calendar No. 343.

This measure amends the Commodity Exchange Act and the Securities Exchange Act of 1934, as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act, to exempt from certain regulatory requirements swaps and security-based swaps entered into by a party that is controlling, controlled by, or under common control with its counterparty.

The proposal requires that such exempted agreements, contracts, or transactions be reported to an appropriate data repository, or, if there is no such repository that would accept them, to: (1) the Commodity Futures Trading Commission (CFTC) in the case of exempted swaps, or (2) the Securities and Exchange Commission (SEC) in the case of exempted security-based swaps. (Note: See also the discussion under “D. Oversight.”)

*H.R. 3336, Small Business Credit Availability Act*

H.R. 3336 was introduced by Representative Vicky Hartzler November, 3 2011 and referred to the House Committee on Agriculture. January 25, 2012, the committee held a business meeting and ordered reported H.R. 3336, amended, by a voice vote. On February 8, 2012, the bill was reported, amended, H. Rept. 112–390, and placed on the Union Calendar No. 269. On April 25, 2012 the bill passed the House, as amended, under suspension of the rules by a recorded vote of 312 yeas to 111 nays. On April 26, 2012 the bill was received in the Senate and referred to the Senate Committee on Agriculture, Nutrition, and Forestry.

This measure amends the Commodity Exchange Act (as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act) with respect to the exclusion of an insured depository institution from regulation as a “swap dealer.” The criterion for such exclusion as to the extent to which the institution offers to enter into a swap with a customer in connection with originating a loan with that customer are eliminated.

A new criteria is added for such exclusion the extent to which the institution enters into a swap: (1) with a customer that is seeking to manage risk in connection with an extension of credit by the institution to, on behalf of, or for the benefit of, the customer; or (2) to offset the risks arising from a swap that meets such requirement.

The proposal excludes from regulation as a swap dealer, under the same criteria, an institution chartered and operating under the Farm Credit Act of 1971.

It revises the criteria for exemption of a swap from the requirement that it be submitted for clearing to a derivatives clearing organization either registered under this Act or exempt from registration. The bill also revises in particular the exemption from this requirement of a swap one of whose counterparties is not a financial institution. The definition of “financial entity” is modified with respect to a small bank, savings association, farm credit system institution, or credit union which the Commodity Futures Trading Commission (CFTC) may consider whether to exempt from such definition. CFTC’s discretion to make such an exemption is repealed. Finally, the Small Business Credit Availability Act excludes outright from the meaning of financial entity any small bank, savings association, farm credit system institution, or credit union if: (1) its total assets are \$30 billion or less, or (2) its aggregate uncollateralized outward exposure plus aggregate potential outward exposure with respect to its swaps does not exceed \$1 billion. (Thus exempts such a small bank, savings association, farm credit system institution, or credit union from the clearing requirement.) (Note: See also the discussion under “D. Oversight.”)

*H.R. 4089, Sportsmen's Heritage Act of 2012*

H.R. 4089 was introduced by Representative Jeff Miller on February 27, 2012 and referred to the Committee on Natural Resources and in addition to the Committees on Agriculture and Energy and Commerce. On April February 29, 2012 the Committee on Natural Resources ordered reported the bill, amended, by a recorded vote of 27 yeas to 16 nays. On April 13, 2012 the Committee on Natural Resources reported the bill, as amended, H. Rept. 112-426, Part 1. On that same date the Committee on Agriculture and the Committee on Energy and Commerce was discharged from further consideration. The bill passed the House, as amended, on April 17, 2012 by a recorded vote of 274 yeas to 146 nays. On April 18, 2012 the measure was received in the Senate.

H.R. 4089 would require Federal public land management officials to use their authority to facilitate access to Federal lands and waters for fishing, sport hunting, and recreational shooting. The requirement to provide access to Federal land could be limited for reasons of national security, public safety, or resource conservation. In addition, access could be limited because of any Federal statutes that specifically preclude these uses on Federal land or by any discretionary limitations on recreational fishing, hunting, and shooting determined to be "necessary and reasonable."

The bill would also require that the head of each Federal land management agency exercise its land management discretion in a manner that supports and facilitates recreational fishing, hunting, and shooting opportunities, in accordance with applicable Federal law.

The bill would provide that any Federal public land planning documents (including land management plans and resource management plans) include a specific evaluation of the effects that such plans would have on opportunities to engage in recreational fishing, hunting, or shooting. Under the bill, the fact that recreational fishing, hunting, or shooting occurs on adjacent or nearby public or private lands would not be considered in determining which Federal public lands would be open for these activities or for setting levels of use for these activities.

Federal lands could be closed to hunting and fishing for numerous reasons including resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities and national security. Proposals to close lands would require a scientific review and consideration through a "transparent public process." If an agency moved to close a parcel larger than 640 acres, it would be required to publish notice of its intent to close the land to hunting activities, demonstrate coordination with relevant state entities and submit a report to Congress regarding the closure.

*H.R. 4480, Strategic Energy Production Act of 2012.*

H.R. 4480 was introduced on April 14, 2012 by Representative Cory Gardner and referred to the Committee Energy and Commerce and in addition to the Committees on Natural Resources, Agriculture, and Armed Services. On June 8, 2012, the Committee on Energy Commerce reported the bill, amended, H. Rept. 112-520 Part 1. On that same date the Committees on Agriculture, National Resources, and Armed Services were discharged from further con-

sideration and the bill was placed on the Union Calendar, No. 367. The measure was considered in the House on June 20, 2012 as unfinished business. On June 21, 2012 the bill passed the House, amended, by a recorded vote of 248 yeas to 163 nays.

The bill would require the Secretary of Energy to develop a plan to increase the percentage of Federal lands under the jurisdictions of the Secretary of Agriculture, Secretary of Energy, Secretary of the Interior, and the Secretary of Defense leased for oil and gas exploration, development, and production following the first draw-down of the Strategic Petroleum Reserve (SPR).

The bill also requires that the plan: (1) increase the total percentage of Federal lands leased for oil and gas exploration, development, and production commensurate with the percentage of petroleum in the SPR that was drawn down; (2) limit the total percentage of Federal lands leased as a result of the plan to 10 percent; (3) exclude lands managed under the National Park System or that are part of the National Wilderness Preservation System; (4) be consistent with a national energy policy to meet present and future energy needs of the U.S.; and (5) promote the interests of consumers through the provision of an adequate and reliable supply of domestic transportation fuels at the lowest reasonable cost.

*H.R. 6233, Agriculture Disaster Assistance Act of 2012.*

H.R. 6233 was introduced on July 31, 2012 by Chairman Frank D. Lucas and referred to the House Committee on Agriculture. On August 1, 2012, the House Rules Committee reported H. Res. 752 to the House (H. Rept. 112-644). The closed rule provided for consideration of H.R. 6233 with 1 hour of general debate, an allowance of a motion to recommit with or without instructions a, and stated that measure would be considered read with all points of order against consideration of the bill waived. On August 2, 2012, H. Res. 752 passed the House by a recorded vote of 236 yeas to 182 nays. On that same date, H.R. 6233 passed the House by a recorded vote of 223 yeas to 197 nays. On September 10, 2012, the measure was received in the Senate and referred to the Senate Committee on Agriculture, Nutrition, and Forestry.

This measure reauthorizes disaster assistance programs that expired at the end of the fiscal year 2011. Specifically, Livestock Indemnity Payments (LIP), Livestock Forage Disaster Programs (LFP), Emergency Assistance for Livestock, Honeybees, and Farm-raised Fish (ELAP), and the Tree Assistance Program (TAP).

H.R. 6233 is paid for with conservation program offsets consistent with levels previously established by enacted appropriations. The Environmental Quality Incentives Program is capped at \$1.4 billion in fiscal year 2013 and the Conservation Stewardship Program is capped at 11 million acres in fiscal year 2013. Those programs will operate at recent spending levels. The net savings of H.R. 6233 is \$256 million.

*H.R. 6684, Spending Reduction Act of 2012*

H.R. 6684 was introduced on December 19, 2012 by Representative Eric Cantor and referred to the Committee on the Budget and in addition to the Committees on Ways and Means, Agriculture, Energy and Commerce, Financial Services, Judiciary, Oversight and Government Affairs, House Administration, and Rules. On De-

December 19, 2012, the House Rules Committee reported H. Res. 841 to the House (H. Rept. 112–708) and the resolution was placed on the calendar. The resolution was agreed to in the House on December 20, 2012 by a recorded vote of 219 yeas to 197 nays and H.R. 6684 was subsequently passed by a recorded vote of 215 yeas to 209 nays. The measure was received in the Senate on December 21, 2012.

Title I amends the American Recovery and Reinvestment Act of 2009 to terminate the increase in the value of supplemental nutrition assistance program (SNAP, formerly the food stamp program) benefits for Puerto Rico and American Samoa on March 1, 2013.

Amends the Food and Nutrition Act of 2008 to limit categorical SNAP eligibility to households receiving specified other program benefits in cash.

Eliminates the requirement that a state agency using a standard utility allowance provide such allowance to a household that receives assistance under the Low Income Home Energy Assistance Act of 1981 or other energy assistance program if such household incurs out-of-pocket heating or cooling expenses exceeding such assistance.

Eliminates: (1) administrative cost sharing to states for certain employment and training programs, (2) state bonus programs for effective SNAP administration, and (3) indexing for the nutrition education and obesity prevention grant program.

Reduces FY 2013 funding for employment and training programs.

Authorizes FY 2013 appropriations to carry out the Food and Nutrition Act of 2008.

States that this title and the amendments made by this title shall take effect on enactment of this Act, and shall apply only with respect to certification periods that begin on or after such date.

*Other Bills: Several bills acted on by other committees, but not acted on by the Committee on Agriculture contain provisions relating to matters within the Committee's jurisdiction. The following are abbreviated summaries of these bills, including some of the relevant provisions.*

#### Legislative Matters

*H. Con. Res. 112, Establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022.*

H. Con. Res. 112 was introduced and reported by the Representative Paul Ryan on March 23, 2012, H. Rept. 112–421. On March 29, 2012 the resolution passed the House by a recorded vote of 228 yeas to 191 nays. On April 16, 2012 the resolution was received in the Senate and placed on the Legislative Calendar under General Orders, Calendar No. 354. On May 16, 2012 a motion to proceed to consideration failed in the Senate by a recorded vote of 41 yeas to 58 nays.

H. Con. Res. 112 sets forth the congressional budget for the Federal government for FY 2013, including the appropriate budgetary levels for FY 2014–FY 2022.

The resolution gives reconciliation instructions to six House Committees including the Committee on Agriculture; Energy and Commerce, Financial Services, the Judiciary, Oversight and Government Reform; and Ways and Means.

The measure requires the House Budget Committee to report a bill that amends the Balanced Budget and Emergency Deficit Control Act of 1985 to replace the sequester for enforcement of the \$1.2 trillion budget goal established by the Budget Control Act of 2011 and include language making its application contingent upon the enactment of the required reconciliation bill. (Note: See also the discussion of H.R. 5652 under “2. Bills Acted on by the House But Not the Senate.”)

*H.R. 910, to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes.*

H.R. 910 was introduced by Representative Fred Upton on March 3, 2011 and referred to the Committee on Energy and Commerce. On April 1, 2011 the bill was reported to the House, amended, H. Rept. 112–50. The bill passed the House, amended, by a recorded vote on April 7, 2011 and was then referred to the Senate Committee on Environment and Public Works on April 8, 2011.

The Act prohibits the Administrator of the Environmental Protection Agency (EPA) from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas (GHG) to address climate change under the Clean Air Act. The bill would also repeal a number of EPA rules and actions and allow the term “air pollutant” to include a GHG for the purpose of addressing other concerns.

The Act also exempts from such prohibition: (1) implementation and enforcement of the rule, “Light-Duty Vehicle Greenhouse Emission Standards and Corporate Average Fuel Economy Standards” and finalization implementation, enforcement, and revision of the proposed rule, “Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium and Heavy Duty Engines and Vehicles”; (2) implementation of the renewable fuel program, statutorily authorized Federal research, development, and demonstration programs and voluntary programs addressing climate change; (3) implementation and enforcement of stratospheric ozone protection to the extent that such implementation or enforcement only involves class I or II substances; and (4) implementation and enforcement of requirements for monitoring and reporting of carbon dioxide emission.

The measure prohibits the Administrator from waiving, and invalidates waivers given by the Administrator, the ban on states from adopting or enforcing standards relating to the control of emissions from new motor vehicles or engines with respect to GHG emissions for model year 2017 or any subsequent model year.

The bill expresses the sense of Congress that: (1) there is established scientific concern over warming of the climate system based upon evidence from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice, and

rising global average sea level; (2) addressing climate change is an international issue, involving complex scientific and economic consideration; (3) the United States has a role to play in resolving global climate change matters on an international basis; and (4) Congress should fulfill that role by developing policies that do not adversely affect the American economy, energy supplies, and employment. (Note: See also the discussion of H. Res. 72 under “3. House Resolutions Considered in the House.”)

*H.R. 1633, Farm Dust Regulation Prevention Act of 2011*

H.R. 1633 was introduced by Representative Kristi L. Noem on April 15, 2011 and referred to the House Committee on Energy and Commerce. The bill was reported (amended) to the House, H. Rept. 112–316. December 6, 2011 and agreed to in the House by a recorded vote of 268 yeas to 150 nays December 8. The bill was then received and placed on the legislative calendar in the Senate December 12, 2011.

The Farm Dust Regulation Prevention Act of 2011 prohibits the Administrator of the Environmental Protection Agency (EPA) from proposing, finalizing, implementing, or enforcing any regulation revising the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to particulate matter with an aerodynamic diameter greater than 2.5 micrometers under the Clean Air Act (CAA) for one year.

The bill exempts nuisance dust from the CAA and excludes nuisance dust from references in such Act to particulate matter, except with respect to geographic areas where such dust is not regulated under state, tribal, or local law if the Administrator, in consultation with the Secretary of Agriculture, finds that: (1) nuisance dust (or any subcategory of nuisance dust) causes substantial adverse public health and welfare effects at ambient concentrations; and (2) the benefits of applying CAA standards and other requirements to such dust outweigh the costs.

“Nuisance dust” is defined as particulate matter that: (1) is generated primarily from natural sources, unpaved roads, agricultural activities, earth moving, or other activities typically conducted in rural areas; (2) consists primarily of soil, other natural or biological materials, windblown dust, or some combination thereof; (3) is not emitted directly into the ambient air from combustion, such as exhaust from combustion engines and emissions from stationary combustion processes; (4) is not comprised of residuals from the combustion of coal; and (5) does not include radioactive particulate matter produced from uranium mining or processing.

The measure expresses the sense of Congress that the Administrator should implement an approach to excluding exceptional events, or events that are not reasonably controllable or preventable, from determinations of whether an area is in compliance with any national ambient air quality standard (NAAQS) applicable to coarse particulate matter that maximizes transparency and predictability for states, tribes, and local governments and minimizes their regulatory and cost burdens.

Under the proposed legislation, the Administrator, before taking a covered action, to analyze its impact, disaggregated by state, on employment levels in the agriculture industry and on agricultural economic activity, utilizing the best available economic models. De-



defines a “covered action” as an action by the Administrator under the Clean Air Act, relating to agriculture and the primary and secondary NAAQS for particulate matter to: (1) issue a regulation, policy statement, guidance, response to a petition, or other requirement; or (2) implement a new or substantially altered program. Requires the Administrator to: (1) post such analysis on the main page of EPA’s website; (2) request the Secretary of Agriculture to post it on the main page of the Department of Agriculture’s website; and (3) request the governor of any state experiencing more than a *de minimis* negative impact to post such analysis in the state’s capitol.

Finally, the bill requires the Administrator to: (1) hold a public hearing in each state in which a covered action will have more than a *de minimis* negative impact on agricultural employment levels or agricultural economic activity, at least 30 days prior to the effective date of the action; and (2) give notice of such impact to the state’s congressional delegation, governor, and legislature at least 45 days before the effective date of the action. Defines “*de minimis* negative impact” as: (1) a loss of more than 100 jobs related to the agriculture industry, or (2) a decrease in agricultural economic activity of more than \$1 million over any calendar year. (Note: See also the discussion of H. Res. 72 under “3. House Resolutions Considered in the House.”)

*H.R. 5652, Sequester Replacement Reconciliation Act of 2012*

H.R. 5652 was introduced and reported as an original measure by Representatives Paul Ryan on May 9, 2012, H. Rept. 112–470. On May 10, 2012 the bill passed the House by a recorded vote 218 yeas to 199 nays, and 11 present. On May 14, 2012 the bill was received in the Senate, read for a first time and placed on the Senate Legislative Calendar. On May 15, 2012 the bill was read for a second time and placed on the Senate Legislative Calendar under General Orders, Calendar No. 398.

Title I of H.R. 5652 amends the American Recovery and Reinvestment Act of 2009 to terminate the increase in the value of supplemental nutrition assistance program (SNAP, formerly the food stamp program) benefits for Puerto Rico and American Samoa on June 30, 2012.

The bill amends the Food and Nutrition Act of 2008 to limit categorical SNAP eligibility to households receiving specified other program benefits in cash.

The bill also eliminates the requirement that a state agency using a standard utility allowance provide such allowance to a household that receives assistance under the Low Income Home Energy Assistance Act of 1981 or other energy assistance program if such household incurs out-of-pocket heating or cooling expenses exceeding such assistance.

The measure eliminates: (1) administrative cost sharing to states for certain employment and training programs, (2) state bonus programs for effective SNAP administration, and (3) indexing for the nutrition education and obesity prevention grant program. The bill also reduces FY 2013 funding for employment and training programs. (Note: See also the discussion of H. Con. Res. 112 under “2. Bills Acted on by the House But Not the Senate.”)

Finally, the bill authorizes FY 2013 appropriations to carry out the Food and Nutrition Act of 2008.

### 3. House Resolutions Considered in the House

*H. Res. 72, Directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth.*

H. Res. 72 was introduced on February 8, 2011 by Representative Pete Sessions and referred to the Committee on Rules. On February 8, 2011 the Committee on Rules reported an original measure, H. Rept. 112–6. On February 11, 2011, the resolution passed the House by a recorded vote of 391 yeas to 28 nays.

H. Res. 72 requires Committees, including the Committee on Agriculture to inventory and review existing, pending, and proposed regulations, orders, and other administrative actions or procedures by Federal agencies within its jurisdiction. The resolution also requires each committee, upon completion of its inventory and review to: (1) consider specified matters; (2) conduct any hearings and other oversight activities necessary in support of the inventory and review, and (3) identify in a report on the first session of the 112th Congress any oversight or legislative activity conducted in support of, or as a result of, such inventory and review. (Note: See the discussion of H.R. 872 under “2 Bills Acted on by the House But Not the Senate”, H.R. 1573 under “4. Bills Ordered Reported, and D. Oversight.”)

### 4. Bills Reported

*H.R. 1505, National Security and Federal Lands Protection Act*

H.R. 1505 was introduced April 13, 2011, by Representative Rob Bishop and referred to the Committee on Natural Resources, in addition to the Committees on Agriculture and Homeland Security. On October 5, 2011, the Committee on Natural Resources held a business meeting and ordered reported, H.R. 1505, amended, by a recorded vote of 26 yeas to 17 nays. The Committee on Natural Resources filed a report (H. Rept. 112–448, Part 1) on April 17, 2012. On the same day, the bill was discharged from the Committees on Agriculture and Homeland Security and placed on the Union Calendar, No. 312.

As reported, this measure prohibits the Secretary of the Interior or the Secretary of Agriculture (USDA) from prohibiting or restricting activities on land under their respective jurisdictions by U.S. Customs and Border Protection to achieve operational control over the international land borders of the United States.

U.S. Customs and Border Protection access to such lands is granted in order to conduct the following activities: (1) construction and maintenance of roads and fences; (2) use of patrol vehicles and aircraft; (3) installation, maintenance, and operation of surveillance equipment and sensors; and (4) deployment of temporary tactical infrastructure, including forward operating bases.

The bill states that a waiver by the Secretary of Homeland Security (DHS) of specified laws regarding sections of the international

border between the United States and Mexico and between the United States and Canada shall apply to all land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture within 100 miles of the international land borders of the United States with respect to U.S. Customs and Border Protection activities under this Act.

It also states that this Act shall not be construed to restrict legal use (grazing, hunting, or mining) on, or legal access to, land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture.

Finally, the bill language terminates this Act five years after enactment

*H.R. 1573, To facilitate implementation of title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, promote regulatory coordination, and avoid market disruption.*

H.R. 1573 was introduced on April 15, 2011 by Chairman Lucas and referred to the Committee on Financial Services and in addition to the Committee on Agriculture. On May 4, 2011, the Committee on Agriculture held a business meeting and ordered reported, H.R. 1573, amended, by a voice vote. On May 24, 2011, the Committee on Financial Services held a business meeting and ordered reported, H.R. 1573, amended, by a recorded vote of 30 yeas to 24 nays. On June 11, 2011 both the Committee on Financial Services and the Committee on Agriculture filed a report, H. Rept. 112-109 pt. 1 and 2.

The bill as ordered reported extends the statutory deadline for the implementation of most provisions of Title VII of the Wall Street Reform and Consumer Protection Act (P.L. 111-203) by 18 months. The bill does not extend the deadline for the Commodity Futures Trading Commission (CFTC) and the Securities and Exchange Commission (SEC) to issue final rules further defining key terms in Section 712(d)(1) of swap, security based swap, swap dealer, security-based swap dealer, major swap participant, major security-based swap participant and eligible contract participant. The bill also does not extend the deadline for the reporting requirements in Sections 2(h)(5) and 4r of the Commodity Exchange Act and Sections 3C(e) and 13A(a) of the Securities Exchange Act of 1934. To facilitate the reporting of swaps data, the bill gives the CFTC and the SEC interim authority to designate swap data repositories that meet certain criteria. In addition, the bill requires the CFTC and SEC, prior to prescribing any final rules required under Title VII, to hold additional roundtables and public hearings to receive public testimony and factor it into the rule proposals. Lastly, H.R. 1573 gives the CFTC and SEC authority to exempt certain persons from registration or related regulatory requirements if they are subject to comparable regulation by a U.S. or foreign regulatory authority.

Beginning in February, the Committee held 4 hearings, two Full Committee and two General Farm Commodities and Risk Management Subcommittee hearings to examine the implementation of Title VII of the Dodd-Frank Act. The Committee took testimony from witnesses that represented a broad spectrum of participants in the derivatives markets. The Committee heard from a wide

array of end-users, including agricultural cooperatives, manufacturers, commercial energy firms and electric utilities. The Committee also heard from large financial market participants, such as a global exchanges and clearinghouses, electronic trading platforms, swap dealers, hedge funds and mutual funds. Witnesses also included representatives from pension funds, community banks and farm credit banks. Across the spectrum of expertise, an overwhelming majority of witnesses expressed concerns that the compressed statutory deadlines and sheer volume of regulations were having a negative impact on the implementation process, particularly at the Commodity Futures Trading Commission (CFTC). In short, a common concern was that the statutory deadlines forced the regulatory agencies to prioritize speed over deliberation, making it difficult for stakeholders to comment, and undermining the economic analysis associated with each proposed rule. Witnesses also expressed concerns that many of the CFTC's rule proposals exceeded or conflict with congressional intent, are inconsistent with proposals from other regulatory agencies, and may be detrimental for U.S. businesses, for our markets, and for our economy. The Committee also heard testimony from multiple witnesses about the role of speculation in the commodities markets, including the impact on the price of food and fuel. When he testified before the Committee, Chairman Gensler cited the need for transparency and confidence in commodity trading that Dodd-Frank will provide for users of energy and food and that is "critical for our economy."

In addition, there are efforts around the world to implement financial regulatory reform in the wake of the global financial crisis. In September of 2009, the leaders of the G20 Nations agreed to implement certain OTC derivatives reforms by the end of December of 2012. Many of the witnesses, along with a broad cross section of industry and academics, have cited concerns about the U.S. moving on a much faster timetable than the European Union (EU) or Asian regulators, creating the potential for regulatory arbitrage and negative consequences to the competitiveness of U.S. businesses. The extreme pace of rulemaking diminishes the opportunity for regulators to coordinate and harmonize international regulatory regimes, creates opportunities for regulatory arbitrage, and gives foreign countries a "learn from our mistakes" advantage. While it would not be possible or wise to tie the timing of our regulatory reforms to unpredictable deadlines of the EU and other jurisdictions, slowing the process down would enhance the opportunity for coordination and greater consistency among regulatory regimes.

Last, the CFTC Inspector General (IG) recently issued an investigative report of the CFTC's cost-benefit analysis performed in connection with Dodd-Frank rulemakings. In general, the report found that the CFTC takes a minimalist approach to considering the costs and benefits of proposed regulations and focuses more on meeting the legal obligation under the Commodity Exchange Act than performing a legitimate economic analysis. Put simply, the CFTC IG concluded the report by saying "We are mindful of the adage, 'just because something is legal, doesn't make it right.' And we wholeheartedly agree that, '[in] the end, economic analysis is more than about satisfying procedural requirements for regulatory rulemaking.'" In addition, the report found that the irrational sequence of rule proposals that many witnesses cited as an impedi-

ment to their ability to provide meaningful comment was created by the compressed timeframes. Specifically the report stated “Staff and management were aware that market participants might refrain from comment on conduct regulations in the mistaken belief that they would not fall within the definitions. However, at this stage in the process, staff indicated the overriding concern was meeting the rule-making deadline under Dodd-Frank.”

H.R. 1573 gives the regulatory agencies an additional 18 months to promulgate most rules required by Title VII. A common concern, particularly among end-users, was that the sequence of rule proposals made it difficult for them to comment meaningfully. For example, one of the last rules proposed by the CFTC in the initial proposing phase was the definition of “swap.” Stakeholders were asked to comment on each rule prescribing a regulatory regime without clarification regarding the scope of products impacted. For certain industries, such as the electric power industry, the definition of swap was a significant factor in understanding which regulations they may be subject to. In addition, rules were proposed to govern Major Swap Participants and Swap Dealers before a rule had been proposed to define Major Swap Participant and Swap Dealer. To provide for a more rational sequence of rule proposals, H.R. 1573 does not extend the deadline for the definitions required under Section 712(d)(1). This will provide clarity to market participants about their regulatory status, and to facilitate productive comment on the succeeding rules prescribing the relevant regulatory requirements.

H.R. 1573 also does not extend the deadline for the regulatory reporting requirements applicable to swaps in Sections 723 and 729 and the similar provisions applicable to security-based swaps. This provision will ensure transparency and reporting of all swap transactions are not delayed, both to give the regulatory agencies access to market data to monitor for systemic risk, and to further instruct the rulemaking process by providing swap market data that the agencies currently do not have. To facilitate the reporting of swaps data and encourage further development of swap data repositories, H.R. 1573 gives the regulatory agencies interim authority to designate swap data repositories during the period in which the regulations governing swap data repositories are being finalized.

The bill also requires the CFTC and the Securities and Exchange Commission (SEC) to hold additional public roundtables and hearings to take testimony from affected market participants prior to the finalization of any rules. Providing stakeholders additional time to offer input will help to mitigate unintended consequences of poorly vetted proposals, and permit comment once all rules have been proposed and can be considered in light of their interdependence and cumulative impact on the markets. During consideration of H.R. 1573, Representative Joe Courtney offered an amendment to exempt the establishment of position limits from the bill in order to reduce speculation on food and energy commodities. While the amendment was ultimately defeated by one vote, the amendment received bipartisan support and highlighted the need for strong oversight by the CFTC over the influence of speculation on commodity markets. During consideration of H.R. 1573, Representative Courtney offered an amendment to exempt the establishment of position limits from the bill in order to reduce speculation on food and

energy commodities. (Note: See also the discussion of H. Res. 72 under “3. House Resolutions Considered in the House” and the discussion of “D. Oversight.”)

*H.R. 1838, Swaps Bailout Prevention Act*

H.R. 1838 was introduced May 11, 2011, by Representative Nan Hayworth and referred to the Committee on Financial Services in addition to the Committee on Agriculture. On November 15, 2011, the Subcommittee on Capital Markets and Government Sponsored Enterprises of the Committee on Financial Services held a mark up and forwarded the measure to the Full Committee as amended by a recorded vote of 21 yeas to 12 nays. The full Committee on Financial Services held a business meeting February 16, 2012, and ordered reported, H.R. 1838, amended, by voice vote and filed a report, H. Rept. 112–476, Part 1 on May 11, 2012. On November 16, 2012 the Committee on Agriculture was discharged and the measure was placed on the Union Calendar, No. 508.

This measure amends the Dodd-Frank Wall Street Reform and Consumer Protection Act to repeal the prohibition against Federal government assistance to (bailouts of) registered swap dealers, security-based swap dealers, major swap participants, or major security-based swap participants with respect to any swap, security-based swap, or other activity. (Note: See also the discussion under “D. Oversight.”)

*H.R. 1840, To improve consideration by the Commodity Futures Trading Commission of the costs and benefits of its regulations and orders.*

H.R. 1840 was introduced by Representative K. Michael Conaway on May 5, 2011, and referred to the House Committee on Agriculture. The committee held a business meeting on January 25, 2012 and ordered reported H.R. 1840, amended, by a voice vote. A report, H. Rept. 112–482, was filed by the committee on May 16, 2012, and the bill was placed on the Union Calendar, No. 337.

The measure amends the Commodity Exchange Act to revise the requirement that the Commodity Futures Trading Commission (CFTC), before promulgating a regulation or issuing an order, consider the costs and benefits of the action. It also requires the CFTC, through the Office of the Chief Economist, to: (1) assess the costs and benefits, both qualitative and quantitative, of an intended regulation; and (2) propose or adopt a regulation only on a reasoned determination that the benefits justify the costs.

Finally, the bill lists additional mandatory considerations for the CFTC to evaluate in making a reasoned determination of the costs and the benefits, including the impact on market liquidity in the futures and swaps markets, as well as alternatives to direct regulation. (Note: See also the discussion under “D. Oversight.”)

*H.R. 2172, Utilizing America’s Federal Lands for Wind Energy Act*

H.R. 2172 was introduced by Representative Kristi L. Noem June 14, 2011 and referred to the Committee on Natural Resources in addition to the Committee on Agriculture. On December 1 the measure was discharged by the Committee on Agriculture and reported (amended) by the Committee on Natural Resources, H. Rept.

112–300, Part 1. It was placed on the Union Calendar (Calendar No. 200) the same day.

This bill exempts projects determined by the Bureau of Land Management (BLM) or the Forest Service to be meteorological site testing and monitoring projects from environmental impact statement requirements under the National Environmental Policy Act of 1969 (NEPA).

“Meteorological site testing and monitoring project” is defined as a project that is carried out on land administered by BLM or the Forest Service to test or monitor weather using towers or other devices, that is decommissioned within five years of its commencement, that provides meteorological information to such agencies, that causes less than one acre of soil or vegetation disruption at the location of each meteorological tower or other device and no more than five acres of soil or disruption within the proposed right-of-way for the project, and that is installed: (1) using existing access roads; (2) in a manner that does not require off-road motorized access other than one installation activity and one decommissioning activity along an identified off-road route approved by the BLM Director or the Chief of the Forest Service; (3) without construction of new roads other than upgrading of existing minor drainage crossings for safety purposes; and (4) without the use of digging or drilling equipment vehicles other than rubber-tired vehicles with gross weight ratings under 8,500 pounds.

The measure requires the BLM Director or Chief of the Forest Service to: (1) decide whether to issue a permit for such a project within 30 days after receiving an application for such permit, and (2) provide to the applicant reasons why an application was denied and an opportunity to remedy any deficiencies.

#### *H.R. 2586, Swap Execution Facility Clarification Act*

H.R. 2586 was introduced by Representative Scott Garret July 19, 2011 and referred to the Committee on Financial Services as in addition to the Committee on Agriculture. The Subcommittee on Capital Markets and Government Sponsored Enterprises held a business meeting November 15, 2011 and forwarded the measure to the full committee by voice vote. On November 30, 2011 the Committee on Financial Services held a business meeting and ordered reported H.R. 2586, amended, by a voice vote. The Committee on Financial Services filed a report, H. Rept. 112–345, Part 1 on December 23, 2011. The Committee on Agriculture held a business meeting January 25, 2012, and ordered reported H.R. 2586, amended, by a voice vote. February 8, 2012, the Committee on Agriculture filed a report, 112–345, Part 2 and the measure was placed on the Union Calendar, No. 266.

This measure amends the Commodity Exchange Act and the Securities Exchange Act of 1934 to prohibit both the Commodity Futures Exchange Commission (CFTC) and the Securities and Exchange Commission (SEC), in interpreting or defining a “security-based swap execution facility,” from requiring one to: (1) have a minimum number of participants receive a bid or offer or respond to any trading system or platform functionality, (2) display or delay bids or offers for any period of time, (3) limit the means of interstate commerce used by market participants to enter into and execute swap transactions on the trading system or platform; or (4) re-

quire bids or offers on one trading system or platform operated by the swap execution facility to interact with bids or offers on another trading system or platform operated by the swap execution facility. (Note: See also the discussion under “D. Oversight.”)

*H.R. 2834, Recreational Fishing and Hunting Heritage and Opportunities Act*

H.R. 2834 was introduced in the House on September 2, 2011 by Representative Dan Benishek and was referred to the Committee on Natural Resources, in addition to the Committee on Agriculture. On November 17, 2011 the measure was considered and ordered reported (amended) by the Committee on Natural Resources by a vote of 29 yeas to 14 nays. The bill was reported (H. Rept. 112–609) by the Committee on Natural Resources on July 19, 2012. On that same date the measure was discharged from the Committee on Agriculture and placed on the Union Calendar (No. 442).

The Recreational Fishing and Hunting Heritage and Opportunities Act requires Federal public land management officials to exercise their authority under existing law, including provisions regarding land use planning, to facilitate the use of, and access to, Federal public lands and waters for fishing, sport hunting, and recreational shooting, except as limited by: (1) statutory authority that authorizes or withholds action for reasons of national security, public safety, or resource conservation; (2) any other Federal statute that specifically precludes recreational fishing, hunting, or shooting on specific Federal public lands or waters; and (3) discretionary limitations on recreational fishing, hunting, and shooting determined to be necessary and reasonable as supported by the best scientific evidence and advanced through a transparent public process.

The measure also requires the heads of Federal public land management agencies to exercise their discretion in a manner that supports and facilitates recreational fishing, hunting, and shooting opportunities, to the extent authorized under applicable Federal and state law.

It requires public land planning documents to include specific evaluations of the effects of such planning documents on opportunities to engage in recreational fishing, hunting, or shooting.

It prohibits actions taken under this Act, other than certain actions regarding rights-of-way, easements, or reservations within the National Wildlife Refuge System or enforcement actions concerning the System under the National Wildlife Refuge System Administration Act of 1966, from being considered to be a major Federal action significantly affecting the quality of the human environment.

It also prohibits Federal public land management officials from being required to consider the existence or availability of recreational fishing, hunting, or shooting opportunities on adjacent or nearby public or private lands in the planning for, or determination of, which Federal public lands are open for such activities or in the setting of levels of use for such activities, unless the combination or coordination of such opportunities would enhance the recreational fishing, hunting, or shooting opportunities available to the public.



The bill sets forth provisions concerning the use of volunteers in culling or managing wildlife populations on public land if hunting is prohibited on such land.

H.R. 2834 requires Bureau of Land Management (BLM) and Forest Service lands, excluding lands on the Outer Continental Shelf, to be open to recreational fishing, hunting, and shooting unless the managing agency acts to close such lands to such activity for purposes of resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection or private property rights or interests, national security, or compliance with other law.

It requires the heads of Federal agencies to use their authorities consistently with this Act to: (1) lease their lands or permit use of their lands for shooting ranges, and (2) designate specific lands for recreational shooting activities. The bill prohibits such designation from subjecting the United States to any civil action or claim for damages for injury or loss of property or personal injury or death caused by any activity occurring at or on such designated land.

The measure declares that the provision of opportunities for hunting, fishing, recreational shooting, and the conservation of fish and wildlife to provide sustainable use recreational opportunities on designated wilderness areas on Federal public lands constitutes the measures necessary to meet the minimum requirements for the administration of such areas.

It provides that any requirements imposed by the Wilderness Act shall be implemented only insofar as they do not prevent Federal public land management officials and state fish and wildlife officials from carrying out and facilitating the original or primary purposes for which the Federal public lands or Federal public land unit was established.

It requires biennial reports on closures of Federal public lands to recreational fishing, sport hunting, or shooting. Requirements for a permanent or temporary withdrawal, change of classification, or change of management status that effectively closes or significantly restricts 640 or more contiguous acres of Federal public lands for fishing or hunting or related activities are set forth. Separate withdrawals or changes, the aggregate or cumulative effect of which effectively closes or significantly restricts 1280 or more acres of land or water, are treated as a single withdrawal or change for purposes of such requirements.

The measure provides that nothing in the Act prohibits a Federal land management agency from establishing or implementing emergency closures or restrictions of the smallest practicable area to provide for public safety, resource conservation, national security, or other purposes authorized by law. Finally, it requires such an emergency closure to terminate after a reasonable period unless converted to a permanent closure consistent with this Act.

#### *H.R. 3283, Swap Jurisdiction Certainty Act*

H.R. 3283 was introduced October 31, 2011, by Representative James Himes and referred to the Committee on Financial Services in addition to the Committee on Agriculture. The Committee on Financial Services held a business meeting and ordered reported H.R. 3283, amended by a recorded vote of 41 yeas to 18 nays. The re-

port, H. Rept. 112–477, Part 1 was filed by the Committee on Financial Services May 11, 2012. On December 14, 2012, H.R. 3283 was placed on Union Calendar, No. 512.

This measure amends the Commodity Exchange Act and the Securities Exchange Act of 1934 regarding extra-territorial swap transactions to exempt swaps, including security-based swaps, from regulation under the Wall Street Transparency and Accountability Act of 2010 (WSTAA) (title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act) as long as the swap dealer: (1) is either a U.S. person or a person whose parent company is a U.S. person; and (2) reports such swap or security-based swap to a swap data repository registered with the Commodity Futures Trading Commission (CFTC) or a security-based swap data repository registered with the Securities and Exchange Commission (SEC), as appropriate.

The language also subjects to WSTAA requirements, any non-U.S. person that is a registered swaps or security-based swaps dealer and that has entered into swaps or security-based swaps with a U.S. person who is not a U.S. subsidiary, branch, or affiliate of that non-U.S. person.

Finally, the proposal requires the CFTC and the SEC to permit non-U.S. persons that are registered swaps or security-based swaps dealers to comply with WSTAA capital requirements by complying with comparable requirements established by the appropriate governmental authorities in their respective home countries, so long as those home countries are signatories to the Basel Accords. (Note: See also the discussion under “D. Oversight.”)

#### *H.R. 3527, Protecting Main Street End-Users From Excessive Regulation*

H.R. 3527 was introduced by Representative Randy Hultgren November 30, 2011 and was referred to the House Committee on Agriculture. The committee held a business meeting on January 25, 2012 and ordered reported H.R. 3527, amended, by a voice vote. February 8, 2011, the Committee on Agriculture filed a report, H. Rept. 112–391 and the measure was placed on the Union Calendar, No. 270.

Section 2 of the bill amends the Commodity Exchange Act to revise the current exception to the definition of “swap dealer” to state that, in determining whether a person is a “swap dealer,” no consideration shall be given to any transaction entered into for the person’s own account for the purpose of hedging or mitigating commercial risk.

The proposal also directs the Commodity Futures Trading Commission (CFTC) to adopt standards distinguishing: (1) the activities of a swap dealer specified in current law, and (2) entering into swaps for a person’s own account in order to achieve its own trading objectives as determined by the CFTC.

The CFTC is required to exempt from designation as a swap dealer, an entity that enters into swap dealing transactions with or on behalf of its customers if the aggregate gross notional amount of the outstanding swap dealing transactions entered into over the course of the preceding calendar year does not exceed \$3 billion (or a greater amount, as market conditions warrant), adjusted for inflation. (Note: See also the discussion under “D. Oversight.”)

Section 3 of the proposal states that this Act shall be implemented: (1) without regard to Federal law regarding coordination of Federal information policy or rulemaking requirements concerning notice and comment, and (2) through promulgation of an interim final rule.

*H.R. 3685, To amend the Herger-Feinstein Quincy Library Group Forest Recovery Act to extend and expand the scope of the pilot forest management project required by that Act.*

H.R. 3685 was introduced by Representative Wally Herger on December 15, 2011 and referred to the Committee on Natural Resources and in addition to the Committee on Agriculture. On June 7, 2012, the Committee on Natural Resources held a business meeting and ordered reported the bill, as amended, by a recorded vote of 21 yeas to 16 nays. The Committee on Natural Resources reported the bill, amended, H. Rept. 112-524, Part 1 on June 15, 2012. On that same date the Committee on Agriculture was discharged from further consideration and the bill was placed on the Union Calendar, No. 372.

The bill amends the Herger-Feinstein Quincy Library Group Forest Recovery Act to extend the term of the pilot forest management project for the Plumas, Lassen, and Tahoe National Forests in California.

The measure directs the Regional Forester for Region 5 to initiate the process of amending or revising such plans for the pilot project area (the Federal lands within the Plumas and Lassen National Forests and the Sierraville Ranger District of Tahoe National Forest designated as available for group selection). Requires such process to include the preparation of at least one alternative that incorporates the pilot project and area designations, the resource management activities, and other aspects of the Quincy Library Group Community Stability Proposal.

The proposal also authorizes the Secretary of Agriculture to expand the pilot project area to include all of the National Forest System lands in California or Nevada that lie within the Sierra Nevada and Cascade Province, Lake Tahoe Basin Management Unit, and Humboldt-Toiyabe and Inyo National Forests.

*H.R. 4234, Grazing Improvement Act of 2012*

H.R. 4234 was introduced by Representative Raúl R. Labrador on March 21, 2012 and referred to the Committee on Natural Resources and in addition to the Committee on Agriculture. On June 7, 2012, the Committee on Natural Resources held a business meeting and ordered reported the bill, as amended, by a recorded vote of 21 yeas to 15 nays. The Committee on Natural Resources reported the bill, amended, H. Rept. 112-533, Part 1 on June 15, 2012. On that same date the Committee on Agriculture was discharged from further consideration and the bill was placed on the Union Calendar, No. 381.

H.R. 4234 amends the Federal Land Policy and Management Act of 1976 to double from 10 to 20 years the period of a term for grazing permits and leases for domestic livestock grazing on public lands or lands within national forests in 16 contiguous western

states. Permits the issuance of permits and leases for a period shorter than 20 years (under current law, shorter than 10 years).

The bill directs that grazing permits or leases issued by the Secretary of the Interior respecting lands under the jurisdiction of the Department of the Interior and grazing permits issued by the Secretary of Agriculture (USDA) respecting National Forest System lands that expire, are transferred, or are waived after this Act's enactment be renewed or reissued, as appropriate, under the Act, Granger-Thye Act, Bankhead-Jones Farm Tenant Act, or California Desert Protection Act of 1994.

The bill also excludes the renewal, reissuance, or transfer of a grazing permit or lease by the Secretary concerned from the requirement under the National Environmental Policy Act of 1969 to prepare an environmental analysis if such decision continues current grazing management of the allotment. States that crossing and trailing permits are an administrative decision and shall be excluded from the requirement to prepare an environmental analysis.

The proposal makes provisions of the Administrative Procedure Act applicable to appeals made by grazing permittees regarding grazing permits or leases under the Act and the Forest and Rangeland Renewable Resources Planning Act of 1974.

*H.R. 4235, Swap Data Repository and Clearinghouse Indemnification Correction Act of 2012*

H.R. 4235 was introduced March 21, 2012, by Representative Robert Dold and referred to the Committee on Agriculture, in addition to the Committee on Financial Services. On March 27, 2012, the Committee on Financial Services held a business meeting and ordered reported H.R. 4235, amended, by a voice vote. The Committee on Financial Services filed a report, H. Rept. 112-470, Part 1 on May 9, 2012.

The proposal amends the Commodity Exchange Act (CEA), with respect to derivatives clearing organizations and swap data repositories, to repeal the prerequisite that, before the Commodity Futures Trading Commission (CFTC) may share information with specified regulatory agencies, such agencies must agree to indemnify the CFTC for expenses arising from litigation relating to information so provided.

It also amends the Securities Exchange Act of 1934 (SEA) to repeal similarly the prerequisite that, before a security-based swap data repository may share information with specified regulatory entities, such entities must agree to indemnify both such repository and the Securities and Exchange Commission (SEC) for expenses arising from litigation relating to information so provided. (Note: See also the discussion under "D. Oversight.")

*H.R. 4297, Workforce Investment Improvement Act of 2012*

H.R. 4297 was introduced in the House by Virginia Foxx on March 29, 2012 and was referred to Committee on Education and the Workforce, in addition to the Committees on the Judiciary, Agriculture, Energy and Commerce, and Transportation and Infrastructure. On July 7, 2012, the Committee on Education and the Workforce, held a mark-up of the bill and ordered the measure to be reported as amended. The report (H. Rept. 112-699) was filed on December 5, 2012 and discharged from the other committees' on

that same day. The measure was placed on the Union Calendar (No. 513) on December 14, 2012.

The Workforce Investment Improvement Act of 2012 amends the Workforce Investment Act of 1998 (WIA) to revise requirements and reauthorize appropriations for: (1) WIA title I, workforce investment systems for job training and employment services; and (2) WIA title II, adult education and family literacy education programs.

The measure revises requirements to: (1) eliminate members of the state legislature and representatives of labor organizations from state workforce investment boards, and (2) specify that representatives of business on a board represent large and small businesses with immediate and long-term employment opportunities in in-demand industries and other occupations important to the state economy.

H.R. 4297 requires a state board to assist the state governor by developing: (1) policies and programs that support a comprehensive statewide workforce development system, and (2) a statewide workforce and labor market information system.

It revises requirements for: (1) a state workforce development plan; (2) local workforce investment areas, boards, and plans; (3) one-stop delivery systems; and (4) the allotment of Federal funds among states for employment and training activities.

Specific funding for adult and dislocated worker employment and training is eliminated and state use of Federal funds to set up a Workforce Investment Fund are specified.

The measure revises requirements for: (1) within state allocations of funds; and (2) the use of funds for state and local employment and training activities, including statewide rapid response, youth challenge grants, and adults with barriers to employment grants.

It converts the national emergency grants program into a national dislocated worker grants program and authorizes the Secretary of Labor to award national dislocated worker grants to spouses of active duty members of the Armed Forces or full-time duty members of the National Guard (or members who recently separated from such duties) and are in need of employment and training assistance to obtain or retain employment.

H.R. 4297 also requires the Employment and Training Administration of the Department of Labor to be the principal agency to administer WIA title I workforce investment systems for job training and employment services and title III (Job Corps).

It revises requirements for the state unified plan for adult education and literacy programs.

The Wagner-Peyser Act is amended to eliminate the U.S. Employment Service. The nationwide employment statistics system, which the Secretary is required to oversee, with a nationwide workforce and labor market information system is replaced.

It repeals the Youth Conservation Corps Act of 1970 and specified other laws.

H.R. 4297, amends the Food and Nutrition Act of 2008 to require employment and training services to eligible members of households participating in the supplemental nutrition assistance program be provided through the statewide workforce development system, including the One-Stop delivery system.

The Rehabilitation Act of 1973 (RA73) is amended to: (1) redesignate the Commissioner of the Rehabilitation Services Administration the Director, and (2) require an eligible state to use a certain percentage of the Federal share of the cost of vocational rehabilitation services to award grants to create practical job and career readiness and training programs and provide job placements and career advancement.

It repeals the authority of the Commissioner of the Rehabilitation Services Administration in the Department of Education to make grants and contracts for: (1) vocational rehabilitation services to individuals with disabilities who are migrant or seasonal farmworkers; (2) recreational programs for such individuals; and (3) in-service training of vocational rehabilitation personnel.

Title VI (Employment Opportunities for Individuals with Disabilities) of the RA73 is repealed.

Finally, requirements and reauthorizes appropriations for vocational rehabilitation services under the RA73 are revised.

*H.R. 6083, Federal Reform and Risk Management Act of 2012*

H.R. 6083 was introduced in the House by Chairman Frank D. Lucas on July 9, 2012 and was referred to the House Committee on Agriculture. The Committee held a mark-up on July 11, 2012 and ordered the bill reported as amended by a recorded vote of 35 yeas to 11 nays. The bill was officially reported to the House on September 13, 2012 (H. Rept. 112-669) and placed on the Union Calendar (No. 481) the same day.

The Federal Agriculture Reform and Risk Management Act (FARRM) is the product of nearly three years of deliberations, including 46 House hearings and audits, a joint deficit reduction proposal developed between leaders of the House and Senate Committees on Agriculture, and, ultimately, Committee consideration and passage on an overwhelming and bipartisan basis. As measured by the length of the Committee's consideration and by the depth of its evaluation, having fully examined the purpose and effectiveness of each and every authority under the jurisdiction of the Committee, FARRM is the product of extensive analysis and research.

Once enacted into law, the Congressional Budget Office (CBO) estimates that FARRM will yield taxpayers more than \$35 billion in deficit reduction. FARRM proposes to achieve these substantial budget savings through significant reform. FARRM repeals or consolidates more than 100 programs, saves \$16 billion from SNAP by curbing abuse, eliminates Direct Payments and reforms commodity policy at a savings of more than \$14 billion, saves another \$6 billion by consolidating 23 conservation programs into 12, and brings about long overdue regulatory relief for farmers and ranchers. The Committee believes that if all committees of congress and all functions of government underwent the review, reform, and reductions that this Committee has imposed upon policies under its jurisdiction, the United States would be well on its way to a smaller government and a balanced budget.

**Title I—Commodities**

For its share, Title I sustains a 37.5 percent reduction. These savings are accomplished through a complete reform of U.S. farm

policy, repealing all of current policy under Title I relative to row crops, except for the marketing loan which is maintained with an adjustment to the cotton loan in order to address a World Trade Organization (WTO) dispute. In lieu of current policy, producers are given a choice between two less expensive risk management options under Title I as well as some additional tools to manage risk that producers may purchase under Federal Crop Insurance.

Upon FARRM's passage, Title I and Federal Crop Insurance will have been cut by more than \$30 billion over the past seven years, contributing \$24 billion to deficit reduction. This reduction in funding stands in contrast to the rising costs of other functions of the U.S. government. Additionally, foreign subsidies and tariffs are trending sharply upward according to two independent reports issued during the Committee's development of FARRM, which serve as prescient reminders of both the appropriateness of and need for U.S. farm policy.

The resilience and strength of the U.S. farm sector over much of the past decade, its contribution to two economic recoveries and millions of on and off-farm jobs, and its positive contribution to the nation's balance of trade have been acknowledged by both proponents and opponents of U.S. farm policy, but for purposes of advancing very different objectives. Relatively strong crop prices and production experienced over the past ten years have been viewed by opponents as obviating the need for much or even all of farm policy, while proponents have pointed to the current policy's evident success in creating a positive business environment at low cost to the taxpayer—only a small fraction of 1 percent of the Federal budget. Ultimately, Mother Nature is weighing in on the dispute, imposing a widespread and severe drought that currently grips at least 29 states. This serves as a reminder of the unique risks farmers and ranchers face that necessitate effective U.S. farm policy.

Robust prices for at least some crops, in part brought on by the drought, will undoubtedly serve as a straw man for those who might still contend that the significant savings and reforms achieved by FARRM are insufficient, that the deficit and growing national debt demand even more. Those without the benefit of history may find this argument compelling. However, the nation's experience with the past three farm bills leads to a different conclusion. While the 1996 farm bill was predicated on forecasts of high prices that ultimately plunged, resulting in billions of dollars in additional costs, the 2002 and 2008 farm bills were predicated on or at least designed to deal with dramatic price declines that ultimately never materialized, yielding substantially lower costs to taxpayers. Prudent policy and honest budgeting, informed by these experiences, directed the Committee to couple the fiscal successes of the previous two farm bills with the market-orientation and regulatory relief of the 1996 law in order to accomplish significant savings and reform.

It is in the context of these overarching objectives that the Committee took into consideration the substantive policy priorities of all those impacted by a farm bill, including the nation's farmers and ranchers. Relative to the farm safety net, despite what seemed at times to be a cacophony of views, several key themes constantly emerged.

The first and most widely shared theme is that Congress should do no harm to Federal Crop Insurance. The cuts made in the 2008 farm bill, the cuts made unilaterally by the Administration just two years later in its renegotiation of the Standard Reinsurance Agreement (SRA), and dramatic policy changes elsewhere in the administration of crop insurance, raised the alarm that 32 years of progress in making crop insurance the cornerstone of U.S. farm policy it is today could be jeopardized. One of the most significant challenges the Committee faced was honoring producer priority to protect crop insurance while also satisfying the wishes of some producers who wanted a revenue-based program offered under Title I, goals which are to some extent at cross purposes due to interaction.

The second and third themes—producer choice and price protection respectively—are also widely held, though there are earnest differences as to approach. From hearings held in all regions of the country, it was evident that producers were uncomfortable with Washington creating a one-size-fits-all approach to Title I. It would be a mistake, however, to interpret the concern on the part of these producers as being interested in a choice simply for the sake of being allowed to make one. Even among producer groups and producers who expressed a common preference for revenue-based support under the commodity title, differences were sufficient to produce two alternate options that farmers could choose from under the Senate farm bill.

However, it is price protection that is at the heart of producers' interest in choice. For producers of some crops, limited variances in yield from year to year greatly diminished the value of a farm policy based on revenue because their peril was not revenue but rather price. Although frequently mischaracterized as a regional divide separating northern and southern producers and crops, omission of a price-based alternative to revenue-based programs would disenfranchise producers of every crop from every region who contended that the farm bill's primary purpose is to address long-term price declines.

In regard to cotton policy, the Committee weighed the options carefully in light of ongoing efforts to resolve the WTO dispute with Brazil. As the report to the 2008 farm bill chronicles, very substantial changes have been made to U.S. cotton policy to address the WTO complaint, including in the 2006 budget reconciliation and the 2008 farm bill. These reforms to U.S. cotton policy have occurred alongside major changes in cotton prices, reductions in U.S. cotton acreage and increases in Brazil cotton acreage, as well as increases in Brazilian support for its producers since the time the Brazil cotton case was initiated. The fundamental change in U.S. cotton policy included in the House farm bill eliminates any objectionable remnant of that policy.

In relation to rules of eligibility, as part of overall reform efforts, the Committee reluctantly imposes a lower adjusted gross income (AGI) means test that is uniform to all income sources for the commodity programs in Title I and for Title II conservation programs. AGI rules were sharply lowered four years ago in the 2008 farm bill and changed again just last year as part of the annual appropriations process. However, the Committee does maintain reasonable payment limitations and rules that allow producers to share



the risks of farming with family members and do so without confronting new obstacles and added layers of bureaucratic red tape.

Finally, the Committee considered and rejected proposed changes to U.S. sugar policy that would have reverted the policy to 1985. U.S. sugar policy has operated at zero cost to taxpayers and is projected to remain a zero cost policy into the future. Under WTO and NAFTA commitments, the United States is the biggest importer of sugar in the world and has a totally open market with Mexico. However, heavily subsidized and protected foreign sugar producing countries distort global markets, alternately shorting world supplies and driving up prices or glutting world supplies and depressing prices, divorced from real market forces. U.S. sugar policy allows highly efficient U.S. producers to remain competitive on a lopsided global playing field while providing safe, low cost sugar to consumers.

#### *Supplemental Agricultural Disaster Assistance Programs*

The Committee reported bill maintains existing disaster assistance for livestock producers when their livestock die due to severe weather, disease, or other acts of nature. It also continues assistance for natural disasters that destroy forage used for grazing, honey bees, farm fish, orchard trees, and nursery trees. The Livestock Indemnity Program, the Livestock Forage Disaster Program, Emergency Assistance for Livestock, Honey Bees, and Farm-Raised, and the Tree Assistance Program are established and proven programs in the livestock and the orchard & nursery tree sectors.

Rapidly rising input costs, volatile export markets, natural disasters, and other unpredictable factors present production risks to animal agriculture. The emerging drought in the summer of 2012 is an example of an unpredictable event with the potential to upset business models and adversely affect producers and consumers. Many crops have access to insurance products that help them manage this production risk. The Committee applauds the efforts of the animal agriculture community to explore such products as evidenced by a number of reports called for in this legislation, including swine catastrophic disease loss, poultry business interruption, and poultry catastrophic disease loss insurance.

Unless and until additional insurance products can be developed and adopted by the livestock sector, these programs will be a vital tool to help manage production risks and protect animal agriculture, and ultimately consumers, from the consequences natural disasters.

In the case of orchardists and nursery tree growers who produce trees, bushes and vines for commercial purposes, the Tree Assistance Program helps them replant trees, bushes and vines destroyed by natural disasters.

#### *Dairy Margin Protection Program*

The failure of existing dairy programs to address the challenges faced by dairy farmers in recent years led the Committee to reconsider the best means for managing price volatility and producer risk in the dairy sector.

Current dairy programs focus on price support. While milk prices were mostly stable when these supports were first enacted, annual

fluctuations in farm milk prices are now routine, with milk prices regularly moving between lows and record or near-record highs over the past decade. In 2009, the dairy industry suffered dramatic losses, as dairy prices fell sharply from record highs in 2007–2008 at a time when feed costs were rising substantially above long-run averages.

While milk price is an important factor for the financial success of dairy producers, another significant factor is the cost of dairy feed, which accounts for about  $\frac{3}{4}$  of a dairy farm's operating costs or about  $\frac{1}{2}$  of total costs.

In light of these considerations, focus has shifted to a safety net that is centered on a "milk margin." The margin is the amount available to pay all other costs once the feed bill is paid and can be calculated by subtracting a national feed cost from the national farm milk price.

The dairy margin protection program is designed to address both catastrophic conditions, which can result in the severe loss of equity for dairy farmers, such as those witnessed in 2009, as well as long periods of low margins, such as those experienced in 2002.

For producers who elect to participate, basic catastrophic coverage will be provided at no cost. According to testimony from Food and Agricultural Policy Research Institute (FAPRI) dairy economist, Dr. Scott Brown, to the House Agriculture Committee's Subcommittee on Livestock, Dairy, and Poultry, "Although base program coverage comes at no cost to producers, the probability of receiving a large payment from the base program is small."

Participating producers who exercise their option to buy supplemental margin protection coverage will be able to access a specific level and amount of risk management protection that is tailored to their farms' risk management needs. By offering a lower premium on supplemental coverage for the first 4 million pounds of production, the Committee has incentivized producers of all sizes to utilize this risk management tool on at least a portion of their production.

#### *Dairy Market Stabilization Program*

Voluntary participation in the margin protection program requires producers to be subject to the dairy market stabilization program. According to testimony from the National Milk Producers Federation to the House Agriculture Committee's Subcommittee on Livestock, Dairy, and Poultry, "The purpose of the program is to make what occurs naturally in the marketplace occur sooner and faster and reducing price volatility. It also reduces that cost of the margin program resulting in savings compared to current dairy programs. The simple fact of the matter is that dairy farmers and the cooperatives they own bear the burden of balancing the supply of milk with processor demand for that milk."

In order to address the concern about the effect a supply management program may have on the U.S. dairy industry growing export potential, the program incorporates a series of qualifiers that would prevent any reduction in domestic supply of milk if the U.S. and world prices misaligned.

According to testimony from FAPRI dairy economist, Dr. Scott Brown, to the House Agriculture Committee's Subcommittee on Livestock, Dairy, and Poultry, when the stabilization program oper-

ates, it lasts a very short period of time because of the world price triggers. Dr. Brown's analysis used a stochastic model to draw 500 alternatives for the conditioning variables in determining the dairy baseline, which incorporate historical distributions of the conditioning factors to make certain any historical correlation in these conditioning factors is included. None of the 500 potential outcomes show long-term multi-year operation of the program.

#### *Repeal of Dairy Product Price Support Program*

The Dairy Product Price Support Program was created in 1949 as a means to help provide government support for farm-level milk prices through government purchases of dairy products. During most of its lifespan, the program targeted a set milk price, and later established pricing targets for Federal purchases of key products, such as cheese, butter, and nonfat milk powder, that would help support that milk price. In the 2008 Farm Bill, the program was altered to support specific product price levels.

Many in the dairy industry have advocated for the repeal of this program for several reasons. First, it supports dairy farmers all around the world, including America's competitors. The current program helps balance world supplies by encouraging the periodic global surplus of milk products to be purchased by U.S. taxpayers. As a result, dairy farmers in other countries, particularly the Oceania region, enjoy as much price protection from the program as our own U.S. farmers.

Second, the program has reduced total demand for U.S. dairy products by diverting some of the U.S. milk products into government warehouses, rather than to commercial buyers. It creates a dynamic where it is more difficult for the U.S. to be a consistent supplier of many products, since sometimes the domestic industry has products to export, and at other times, it is easier for the domestic industry to just sell its product to the government.

Third, the program disincentivizes product innovation by creating a government market for products that the marketplace doesn't want. For example, because the government purchases nonfat dry milk, too much of this is produced instead of protein-standardized skim milk powder, as well as specialty milk proteins, such as milk protein concentrates, which are in demand both domestically and internationally.

Also, USDA only buys products of certain size and packaging specifications. Once purchased, nonfat dry milk powder returning back to the market from government storage also presents challenges, dampening the recovery of prices.

Finally, the program seeks to achieve price levels are no longer relevant to farmers, as the price support levels have been considerably less than the cost of production for many years. As demonstrated by the dairy crisis of 2009, this program was not an effective safety net.

#### *Repeal of Milk Income Loss Contract Program*

The Milk Income Loss Contract (MILC) program is a price-based safety net, which is ineffective for today's dairy producers.

Since the inception of MILC, large dairy farm operators have expressed concern that the payment limit has negatively affected their income. For larger farm operations, their annual production

is well above the limit, and any in excess of that receives no risk protection. Limiting the level of protection to a maximum of 2.985 million pounds of milk a year provides a safety net for less than 30 percent of the total milk produced in the U.S.

Despite the feed cost adjuster that was added in the 2008 farm bill, MILC does not adequately offset high feed costs. If milk prices are at average levels and feed costs are high, farmers can suffer substantial losses and still not receive any assistance from MILC. The feed cost adjustment program does not go into effect until the standard feed ration reaches \$147 per ton, and it also only covers about 30 percent of the feed price increase above this level.

The inadequacy of MILC as a safety net was most evident through most of 2008, when high feed costs overwhelmed average milk prices and put most farmers into a deep hole without the help of any MILC payments.

#### *Repeal of Dairy Export Incentive Program*

The Dairy Export Incentive Program (DEIP) has generally been used in concert with the dairy price support program. As such, it has only been made available in a very limited way after the price support program has begun purchasing and storing dairy products.

Instead of expanding world markets for U.S. dairy products which requires a long-term commitment to serving those markets, the U.S. government has only used DEIP either in response to heavy European subsidization of dairy exports or as an alternative to storing products under the price support program. The program generates a baseline cost without providing any consistent, meaningful return to the U.S. dairy sector.

#### *Extension of Dairy Forward Pricing Program*

The ability for producers and processors to manage price risk is limited under the Federal Milk Marketing Order system. By extending the dairy forward pricing program, producers and processors will be able to continue to make use of forward contracting to manage price risk, without the practice being found a violation of the requirements of marketing orders. The program is strictly voluntary and will only apply to Classes II, III and IV milk.

#### *Extension of Dairy Indemnity Program*

The Dairy Indemnity Program provides payments to dairy producers who have been directed by a public regulatory agency to remove their milk from the commercial market because it has been contaminated by pesticides, toxic substances, and/or chemical residues. Because such events can be devastating to the financial well-being of producers through no fault of their own, the Committee proposes to extend the program's authorization through FY 2017.

#### *Extension of Dairy Promotion and Research Program*

The Dairy Production Stabilization Act of 1983 authorized a national producer program for dairy product promotion, research, and education to increase human consumption of milk and dairy products and reduce milk surpluses. Under the program, promotion and research is conducted to strengthen the dairy industry's position in the marketplace and to maintain and expand domestic and foreign

markets and uses for fluid milk products and dairy products produced in the United States.

*Federal Milk Marketing Order Review*

The 2008 farm bill revised the Federal milk marketing order amendment procedures in order to streamline and expedite the amendment process. As there continues to be interest in marketing order reform, stakeholders are encouraged to make use of this administrative process, which allows for petition of the Secretary at any time and a hearing process whereby producers and processors can provide input. The House Agriculture Committee continues to provide oversight of this process and refrain from any legislative changes to the order system until stakeholders have exhausted their administrative remedies.

**Title II—Conservation**

The conservation title authorizes cost-share and technical assistance for farmers, ranchers, foresters, and landowners through voluntary, incentive-based conservation programs. Through these programs, producers protect and restore water quality and quantity, air quality, wildlife habitat and address regulatory requirements while providing a safe, abundant, and affordable food supply. The conservation programs have grown in size and significance in recent farm bills.

The Food Security Act of 1985 authorized several conservation measures intended to address concerns about the impact of agricultural production on soil erosion and wetland loss. The 1996 Farm Bill took the groundbreaking step of consolidating previously discretionary funded programs into one new program funded with mandatory money from the Commodity Credit Corporation (CCC). The program created, the Environmental Quality Incentives Program (EQIP), is one of the most successful and popular programs among farmers and ranchers.

During consideration of the Farm Security and Rural Investment Act of 2002, budget circumstances allowed for the expansion of conservation programs with the addition of \$17.5 billion to the conservation baseline for the life of the 2002 Bill and the out-year baseline as well. The Conservation Security Program was created.

Despite budget pressures, the Food, Conservation, and Energy Act of 2008 increased conservation spending by nearly \$4.5 billion during the life of the bill and created new targeted conservation programs such as the Chesapeake Bay Program, the Cooperative Conservation Partnership Initiative (CCPI), and the Conservation Stewardship Program (CSP). However, the Wetland Reserve Program (WRP), the Grassland Reserve Program (GRP), the Small Watershed Rehabilitation Program, and the Voluntary Public Access and Habitat Incentive Program remained without adequate baselines given the demand and interest in these programs.

The Committee recognizes that these programs serve as a foundation for improved conservation efforts. The Committee's priority to assist farmers and ranchers in addressing environmental regulations and conservation needs has not changed. The Committee reported bill maintains the core functions and goals of the conservation title while eliminating or combining 23 duplicative and overlapping programs into 13 programs to allow for streamlined deliv-

ery, while also providing \$6.1 billion in savings below baseline funding.

*Conservation Reserve Program (CRP)*

The Committee strongly supports the Conservation Reserve Program as one of the main pillars of cost-effective conservation available to farmers and ranchers. However, through the hearing process, the Committee recognized that market pressures are moving land into production. Maximum enrollment of CRP is incrementally stepped down to 25 million acres allowing enrollment to focus on the most environmentally sensitive lands. Additionally, the Committee reported bill further addresses this issue by directing the Secretary to conduct a onetime early out of land that is not considered environmentally sensitive.

The reported bill directs the Secretary to reserve two million acres under CRP for working grassland contracts to capture land that was previously eligible under GRP. The reported bill further directs USDA to provide landowners with added flexibility to better manage their enrolled acres with managed activities such as haying and grazing or in the cases of drought or other emergencies.

To ensure that environmental benefits are maintained, the reported bill gives expiring CRP acres priority consideration for working grassland contracts, and the Conservation Stewardship Program, as well as the ability to enter into contracts under working land programs before the CRP contract expires. Beginning farmers or ranchers will continue to be eligible for greater access to productive land with the continuation of the Transition Incentives Program (TIP).

The Committee is concerned that USDA has not been fully utilizing CRP technical assistance authorities and funding enacted by the 2008 Farm Bill for agency infrastructure, including outreach, training, and other technical services. The Committee expects USDA to better utilize this authority for internal support and to support outreach and partnership with non-governmental organizations and other qualified entities to ensure that producers and landowners are fully aware of their options under the program.

The Committee directs the Secretary of Agriculture to, within one year of enactment, report to Congress on the quality of land currently enrolled in CRP based on the land capability classification system, the erodibility index, other eligible lands criteria, and natural resource benefits. The report should include justification for using the prescribed environmental benefits index threshold for any acres enrolled into the program after enactment. The Secretary shall complete such a report five years thereafter and include the same information on land quality and decisions to enroll types of acres based on the environmental benefits index. If the decision is made to use a different environmental benefits index threshold or methodology for making decisions to enroll program contracts, reasons for the decision should be included in the report.

Additionally the Committee directs the Secretary of Agriculture, within two years of enactment, to complete a comprehensive economic impact study that specifically evaluates the impact the CRP has had on rural communities. The report should include the average county rental rates and rental rates paid for CRP land.

While the Committee agreed to an overall reduction in the maximum acres that could be enrolled in CRP, this should not serve as an indicator of declining or reduced support for CRP. The Committee intends for CRP to be implemented at authorized levels, and for the program to continue as one of USDA's key conservation programs. Because there are widespread concerns that CRP rental rates are below prevailing local market levels, USDA shall update rental rates annually and use incentive payments for continuous CRP practices to make the program competitive with other programs and more economically viable for producers.

*Conservation Stewardship Program (CSP)*

The Conservation Stewardship Program encourages producers to adopt new conservation measures while maintaining current practices to protect natural resources. The Committee encourages the Secretary to place emphasis on adopting new practices; with new contracts addressing at least one additional priority resource concern and renewing contracts that address at least two priority resource concerns.

The Committee intends for the supplemental payment to encourage producers to adopt new, additional beneficial crop rotations that provide significant conservation benefits. The payments are to be available to producers across the country and should not be limited to a particular crop, cropping system, or region of the country. In the Southeast, peanuts are an example of a crop that responds well to increased rotation lengths, which help peanut producers, conserve water, more effectively control disease, and reduce inputs to control disease and increase productivity. Alfalfa is another important rotation crop in many parts of the country and plays a role in adding value to a producers' operation as well as providing natural resource benefits. The Committee recognizes sorghum's very significant contributions to resource conservation as a water-conserving crop and expects the Secretary to include sorghum in any supplemental payments for resource conserving crop rotations made available under the CSP, in addition to maximizing sorghum's role in achieving the purposes of the Regional Conservation Partnership Program and the Environmental Quality Incentives Program.

The Committee believes conservation programs as implemented by USDA should recognize the use of innovative technology such as enhanced efficiency fertilizers. Enhanced efficiency fertilizers, which reduce nitrate losses to the environment, help protect water quality, and reduce greenhouse gas emissions, include slow- and controlled-release fertilizers (absorbed, coated, occluded or reacted) and stabilized nitrogen fertilizers (nitrification inhibitors and nitrogen stabilizers) and are recognized by NRCS' 590 National Nutrient Standard and by State regulators of fertilizers.

*Environmental Quality Incentives Program (EQIP)*

The Environmental Quality Incentives Program provides cost share incentives to producers to meet or avoid the need for national, state, or local regulation. Under the Committee reported bill, EQIP will provide additional incentives for wildlife by consolidating the functions of the Wildlife Habitat Incentives Program

(WHIP) and requiring 5% of the program funding to go towards wildlife habitat incentives.

The Committee addresses the concerns heard in hearings and field hearings regarding beginning farmers by maintaining set-asides for beginning farmers or ranchers and socially disadvantaged producers while including a priority for veteran farmers. Producers under these set-asides would also be eligible to have up to 50% of up-front project costs covered in advance.

The Committee recognizes the broad responsibilities of the EQIP program and the great work that it does in promoting environmental stewardship among livestock and poultry farmers around the country and maintains that 60% of allocation go towards these producers. Within six months of enactment, the Committee requests from USDA a report on funds spent over the duration of the last Farm Bill and on whether NRCS has met its statutory obligations. Additionally, the Committee encourages NRCS to evaluate its education program and make sure that it is providing all potential users within each state an opportunity to become educated about the EQIP program and how each farmer can incorporate EQIP into their farm stewardship management plans. The Committee also requests a comprehensive breakdown of practices used and how each state spent its allocated funds to also be included in the report.

The program maintains the Conservation Innovation Grant (CIG) subprogram to promote new and innovative conservation practices. The reported bill directs the secretary to report to the Committee every two years on project funding and results of projects authorized under CIG. The Committee intends for increased transparency over innovative conservation projects and monitoring that these innovative conservation practices are later incorporated into common conservation practices.

The Committee reported bill does not reauthorize the Air Quality Initiative; however, the Committee intends for EQIP to continue to provide financial assistance to producers operating in nonattainment areas to make air quality improvements, including reducing emissions from mobile or stationary sources, to help them comply with Federal air quality standards and associated requirements or regulations.

#### *Agriculture Conservation Easement Program (ACEP)*

The Committee reported bill addresses duplication and funding issues identified with FRPP, WRP, and GRP by consolidating their functions into one easement program for streamlined and flexible administration. ACEP consolidates all easement programs into one umbrella program with two legs: (1) Agriculture Land Easements (ALE) to protect grasslands or farmland from non-agriculture development and (2) Wetlands Easements to restore, maintain, and protect wetlands.

The reported bill establishes that the Federal match of ALE will not exceed 50% of the eligible land's fair market value. However, the Committee recognizes that historically the purchase of grasslands easements have occurred with a higher Federal match. The reported bill gives the Secretary the authority to pay up to 75% of the fair market value to address the purchase of grassland easements.



The Committee directs the Secretary, at a national level, to reserve 40% of allocations for agriculture land easements until 2016 and 50% in 2017. The Committee intends that states will have the flexibility to allocate funding as appropriate to address the eligible lands in their region.

*Regional Conservation Partnership Program (RCPP)*

The Committee understands that a targeted approach to conservation practices can achieve a greater conservation benefit. The Committee is also cognizant of specific regions of the country that are under significant regulatory pressure or have serious concerns regarding specific natural resources. The Committee reported bill creates the Regional Conservation Partnership Program by consolidating four programs into one targeted initiative that leverages USDA funding and resources by partnering with private organizations to address natural resource concerns.

The Committee eliminates the Agricultural Water Enhancement (AWEP) Program, the Chesapeake Bay Watershed Program, the Cooperative Conservation Partnership Initiatives (CCPI) Program, and the Great Lakes Basin Program. However, the functions of each of these programs are still necessary and the Committee intends for the Secretary to capture their functions in the implementation of the RCPP. Eligible conservation practices implemented currently through these programs should be continued under the new consolidated program.

Targeted conservation initiatives will be developed on the local level and selected by USDA through a competitive, merit based application process. All resource concerns should hold equal weighting. The Committee encourages the Secretary to distribute funding equitably across the nation and to not ignore different natural resource concerns that may be unique to each region.

The Committee strongly encourages the Secretary to only choose partners who have a successful history of working with agriculture producers.

Additionally, USDA may designate Critical Conservation Areas to target conservation programs in regions under significant regulatory pressure. The Committee reported bill has set allocation levels for the state and national levels in addition to the Critical Conservation areas to help address priorities.

*Funding and Administration.*

Section 2607 of the Committee reported bill combines language on improved administrative efficiency and streamlining from individual programs and places it here to apply to all conservation programs. It expands and clarifies requirements for developing a streamlined conservation application process. It clarifies that any payment received under this title is in addition to and does not affect total payments that an owner or operator is otherwise eligible to receive. The Committee encourages the Secretary to significantly increase the use of computer-based conservation practice planning tools that incorporate Light Detection and Ranging elevation data to modernize and simplify conservation planning, improve efficiency of technical assistance, and improve service to private landowners.

**Title III—Trade***Humanitarian Assistance and Agricultural Development Programs*

The United States provides nearly half of all food aid provided around the world through emergency humanitarian responses and non-emergency, agricultural development programs. The Committee reported bill modifies the general authorities in Title II of the Food for Peace Act to place a greater emphasis on projects which focus on building resiliency in the recipient population where food shortfalls and droughts are common.

The Committee reported bill adjusts the maximum allowable level of cash assistance for administrative and programmatic costs in Title II of the Food for Peace Act to ensure that scarce cash resources are made available only for costs and expenses which cannot be readily funded through the monetization process in the first period of a new project. The Committee expects USAID to closely evaluate its guidance and approval process to ensure that direct and indirect program costs are clearly defined and to ensure that administrative costs in the programs are minimized.

In May 2011 the Government Accountability Office (GAO) completed a report which cites deficiencies in the nutrition and quality controls of U.S. food aid commodities. Included in this report are recommendations that USAID review food aid packaging, track food aid quality throughout the supply chain, and ensure that available food aid commodities meet the nutritional needs of recipients. The Committee notes that USAID has sufficient and specific authority to address the recommendations made by GAO, and expects USAID to build strong public-private partnerships with food manufacturers and other stakeholders to more quickly address the deficiencies highlighted in the May 2011 report using currently available studies on food aid quality and nutrition. The Committee reported bill reauthorizes funding at a lower level for these activities to encourage USAID to focus on deploying food aid products already developed under this authority.

The Committee reported bill directs USDA and USAID to establish a formal mechanism by which new products will be approved through both agencies in a timely manner. In the view of the Committee, USDA and USAID are not coordinating sufficiently and should quickly modify the interagency process to ensure new food aid commodities are made available to appropriately target recipient populations. In support of efforts to provide appropriate commodities to vulnerable populations, authority is extended for shelf-stable, prepackaged foods and micronutrient fortification of food aid commodities.

The Committee notes that while USAID places significant burdens for success of programs upon implementing partners and other stakeholders, feedback from these groups through the Food Aid Consultative Group (FACG) is not adequately incorporated into program guidelines. The Committee reported bill instructs USAID to give sufficient notice of changes to the FACG before new guidance is finalized, and requires new guidance to be promulgated in a timely manner after any changes to the Food for Peace Act.

Authority is extended for the Famine Early Warning System Network to provide advance information to more quickly and effectively respond to an emerging crisis. However, the Committee is

disappointed in efforts by USAID to complete implementation of new information technology systems authorized in previous legislation. No additional funding is provided for new information technology systems, and the Committee fully expects USAID to complete development and management of those systems without additional Food for Peace resources.

Funding is continued for additional monitoring and evaluation of programs at a level which reflects resources available for Food for Peace programs. The Committee reported bill also requires that USAID report on the monitoring and evaluation activities actually conducted. In 2009 GAO concluded that monitoring of programs was inconsistent and that program management was not modified to reflect information gained from the monitoring and evaluation conducted by or for USAID. Through provisions in the Committee reported bill, the Committee expects USAID to make significant improvements in program guidance based on the monitoring and evaluation conducted.

In June 2011 GAO reported on inefficiencies and adverse impacts of monetization. The Committee agrees that both USDA and USAID should have consistent policies governing both agencies monetization activities. The Committee reported bill requires that USAID consider the benefits of monetization when considering a proposal under Food for Peace. The Committee notes existing requirements for USDA and USAID to approve only those sales which will not disrupt the usual marketing and processing of commodities in the recipient country, and clarifies that commodities should be sold at a fair market value.

Recognizing the necessity of responding quickly to humanitarian emergencies, authority is increased for the prepositioning of food aid commodities which allows USAID to increase the number of prepositioning sites, as appropriate.

The Committee reported bill reduces the authorized level of funding for the Food for Peace Act while extending sufficient authority to provide funding above the ten year average appropriation. The Committee recognizes the importance of non-emergency agricultural development programs to create resilient communities in vulnerable populations, and extends minimum levels of funding to support development activities.

The Committee is disappointed that the report on local and regional purchase of food aid commodities, which was required under previous legislation, was not made available to the Committee prior to consideration of the bill as introduced. The report was expected to quantify the challenges associated with relying on purchases of foreign commodities to address acute humanitarian needs. The Committee also recognizes that more than \$300 million in local purchases of commodities is routinely carried out under authorities contained in other legislation.

The Committee reported bill increases authority for the John Ogonowski and Doug Bereuter Farmer-to-Farmer Program contained in the Food for Peace Act to extend the program which mobilizes U.S. volunteers from the agricultural industry, universities, and nonprofit organizations to assist their counterparts in developing and emerging economies.

### *Trade Programs*

The U.S. agricultural industry is highly dependent on exports, with nearly  $\frac{1}{3}$  of all cash receipts generated from international markets. The Committee reported bill ensures that U.S. producers are able to capitalize on these opportunities by making strategic investments in programs designed to address foreign barriers to U.S. exports. Increased margins for U.S. farm output translates to greater capital flows back to rural America, supporting farms and their rural communities.

The Market Access Program is reauthorized to provide assistance on a cost-share basis, targeting small businesses, farmer cooperatives, and nonprofit trade organizations. Private contributions are estimated at 60 percent of total annual spending on trade promotion and market development, further increasing the effectiveness of promotional activities.

Additional programs which are reauthorized include the Foreign Market Development Program which gives preference to trade groups which represent an entire industry, Technical Assistance for Specialty Crops to address non-tariff trade barriers for specialty crop exports, and the Emerging Markets Program to promote generic U.S. exports in emerging economies.

The Committee reported bill also reauthorizes the GSM-102 program while preserving USDA's authority to manage usage of the program to meet certain administrative goals, including the ability to adjust tenor and fees associated with guarantees made available under the program.

The Committee recognizes that exports are vitally important to the U.S. economy. Given the need to spur economic growth and job creation the Committee reported bill amends the Department of Agriculture Reorganization Act of 1994 to provide for the establishment of an Under Secretary of Agriculture for Foreign Agricultural Services. The agricultural sector has been and continues to be a major contributor to the nation's overall level of exports and is one of only a few sectors of the economy that traditionally has had a positive net trade balance. However, U.S. agricultural exports face increased barriers overseas.

The Committee addresses the need to address tariff and non-tariff trade barriers for U.S. agricultural exports by providing a full time, singular focus on trade and foreign agricultural. The Committee expects this new focus to allow more effective coordination and to provide a single point of contact for resolving internal and external trade and foreign agricultural affairs issues through a high level of representation for agricultural trade issues within the Executive Branch and with Congress, stakeholders, foreign governments and international bodies. The Committee does not intend for this provision to create the need for additional personnel or appropriations for USDA.

### **Title IV—Nutrition**

#### *Supplemental Nutrition Assistance Program (SNAP)*

The Supplemental Nutrition Assistance Program (SNAP), formerly known as the food stamp program, has seen unprecedented growth over the past ten years and today accounts for almost 80 percent of the Committee's mandatory spending. Consequently, the

Committee agreed to make reforms in SNAP that resulted in a reduction of \$16 billion over ten years, which is a two percent reduction to the program.

The Committee views these changes as part of its ongoing responsibility to ensure that SNAP is of the highest integrity. The provisions passed by the Committee will close program loopholes; reduce waste, fraud and abuse; and ensure that the program continues to serve those who are in need of food assistance according to the rule of law. It is the Committee's clear intent that families who lawfully qualify for assistance under SNAP law are not prevented from receiving their benefits. The changes made to SNAP in the 2008 farm bill remain fully intact and will continue to benefit SNAP participants.

The Committee agrees that SNAP provides important support for many Americans and these reported provisions further protect the program. In order to ensure the integrity of this program, the Committee will continue to refine SNAP to better target valuable benefits to serve those in need, while making a reasonable reduction in the deficit.

#### Making Common Sense Reforms and Closing Program Loopholes

The FARRM Act makes common sense reforms to SNAP eligibility. Since passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, states have had the option of using "categorical eligibility," or automatic eligibility, to streamline SNAP administration for those receiving benefits from other low-income assistance programs. These other programs are Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), or other state general assistance programs. TANF assistance can be in the form of cash or non-cash benefits (*i.e.*, informational brochures, or access to an informational (800) number). When states implement "broad-based" categorical eligibility, they may permit households to use the asset and gross income test of the alternate assistance program. As of May 2012, 43 jurisdictions (40 States, the District of Columbia, Guam, and the U.S. Virgin Islands) have implemented broad-based categorical eligibility. These jurisdictions generally make all households with incomes below a state-determined income threshold eligible for SNAP.

The bill would restrict categorical eligibility to only those households receiving cash assistance from SSI, TANF, or a state-run general assistance program, saving taxpayers \$11.5 billion over ten years. This would disqualify those merely receiving a TANF-funded brochure, a referral to an (800) number telephone hotline, as well as other non-cash assistance. It is estimated that 3.9 percent of the 46.2 million people currently enrolled in SNAP would be affected by this provision. Those who no longer have categorical eligibility status under the amended provision would have the opportunity to be reviewed for SNAP eligibility independent of their status as a TANF beneficiary. And those who receive cash assistance from SSI, TANF, or a state-run general assistance program will still be categorically eligible for SNAP.

Next, the FARRM Act closes a loophole in SNAP regarding how Low Income Home Energy Assistance Program (LIHEAP) payments interact with SNAP benefit calculation. Current law allows low-income households receiving any amount of LIHEAP assist-

ance, even a nominal payment, to automatically qualify for the SNAP Standard Utility Allowance (SUA). In the last several years, recipients in approximately 16 states and the District of Columbia have qualified for the SNAP SUA under this provision.

Under current law, if a participant received \$1 in LIHEAP, they can automatically deduct the SUA from their income. Therefore, their net income was reduced, and they subsequently received a higher amount in SNAP benefits. Under the Committee's reported bill, a household must receive a minimum LIHEAP payment of \$10 per year to qualify for the SUA deduction, thus saving the taxpayers \$4.5 billion over ten years. The revised provision will not affect any household receiving traditional LIHEAP assistance or any household that can demonstrate an out-of-pocket utility cost.

The Committee also eliminated state performance bonuses, saving \$480 million over ten years. States are responsible for administering the SNAP program and are legally bound to process applications in a timely manner, ensure households receive the accurate amount of SNAP benefits, and make certain the program is administered in the most effective and efficient manner. In this economic climate the Committee believes it is very difficult to justify awarding states bonuses for practices that should be the daily operating procedure.

#### Cracking Down on Waste, Fraud and Abuse

The FARRM Act makes significant strides to crack down on waste, fraud and abuse within SNAP. The Committee was concerned by press reports of two lottery winners, both receiving more than \$1 million in winnings, who were also found to have been receiving SNAP assistance. The bill includes a provision that would put an end to millionaire lottery winners receiving SNAP, and will prevent them from receiving any benefits if they do not meet SNAP eligibility requirements. The Committee is aware that the Secretary must define the terms "substantial lottery or gambling winnings" in order to carry out this provision. The Committee intends for the Secretary to establish a reasonable threshold for such winnings that balances the need to maintain strong program integrity, the ability of states to administer the provision, and the burden on SNAP households.

Furthermore, the legislation requires that state SNAP Employment and Training (E&T) programs be limited to assisting only those college students enrolled in specific career and technical education courses or basic adult education, remedial, and literacy courses. The Committee was alarmed to learn that some states were taking great liberty in administering their SNAP E&T programs; therefore, the Committee took steps to ensure only those college students meeting the specified criteria could be served by a state's SNAP E&T program. To further improve the accountability of the SNAP E&T program, the bill requires states to report on how their programs are assisting SNAP participants in gaining skills, training, and work, or experience that leads to employment.

The legislation also reduces fraud at retail stores by requiring a more rigorous standard for stores to become eligible to process SNAP benefits. Retailers will be required to stock more foods like fruits and vegetables, with the Committee's expectation that retailers can meet this requirement by providing products that are fresh,

frozen or canned. Retailers will be required to pay 100 percent of the costs for acquiring and implementing EBT point-of-sale equipment. By including this provision, the Committee is targeting fraud within the program, and does not intend for credit card companies, banks, or others to impose any additional fees in regard to the acceptance of SNAP EBT benefits. The bill terminates the use of manual vouchers except in such circumstances as a disaster or EBT system failure. Manual vouchers can serve as a quick-response in emergency situations, and the Committee expects vouchers to be used in the event of a disaster when power is unavailable for an extended period of time.

The legislation bans stores from participating in SNAP if they have significant sales of prohibited items like alcohol and tobacco. The Committee is aware that some stores are concerned about remaining eligible for the program under this change; however, the Committee provides the Secretary with discretion to exempt stores from this provision if the store is deemed necessary to serve SNAP recipients. The Committee expects the Secretary to ensure participants have a choice of stores and that there are sufficient options in under-served areas.

Additionally, the Committee expects the Secretary to work with retailers and relevant stakeholders in developing regulations to implement a unique terminal identification system. Credit card associations are considering implementation of this practice across the entire retail industry in the near future, and it is imperative that the Secretary work with SNAP-approved retailers to ensure there are no additional costs or burdens that are duplicative or inconsistent with common commercial practices.

Recognizing that issuance of SNAP benefits to all participants on the same date within a month creates many challenges both for suppliers and retailers, the Committee directs the Secretary to begin working with states to stagger the monthly issuance of SNAP benefits across an entire month for new beneficiaries. To prevent disruption, the Committee does not expect states to make immediate changes for current beneficiaries nor does the Committee suggest a change in current policy to allow for more than once-per-month issuance of benefits. The Committee encourages the Secretary to work with all stakeholders, particularly those within states that are in the process of staggering SNAP benefits, to ensure distribution is of the greatest benefit to the economy at the least cost.

The FARRM Act recognizes the need to increase the Secretary's oversight of those states and territories choosing to operate a Restaurant Meals Program strictly for the purpose of serving homeless, elderly and disabled participants. Currently, states and territories have the option of running this program without seeking approval from the Department, which has raised the Committee's concern over proper use and implementation of this authority. The bill requires those states and territories to submit their request as part of their state plan and gain approval from the Department before implementing a Restaurant Meals Program. The plan must demonstrate a need for such a program along with effective control measures. If states and territories are found not operating the program in a proper manner or do not provide sufficient justification

for establishing a program, it is the Committee's expectation that the Secretary will suspend or not approve such programs.

The Committee is concerned about the use of funds to advertise and promote the use of SNAP through the use of national outreach funds. Recent news articles have described SNAP advertisements airing on the radio and television as well as information on the Department's website encouraging the enrollment of participants by suggesting that community outreach partners "throw a great party." With historically high SNAP enrollments, the Committee directs these outreach funds to be used towards The Emergency Food Assistance Program (TEFAP).

The bill also expands upon the bipartisan work begun by the Committee on Ways and Means Human Resources Subcommittee to allow data both within and across key Federal assistance programs to operate more efficiently. These standardization activities promote transparency, flexibility, and consistency so data can be shared across the various information technology platforms established by Federal and state agencies, increasing administrative efficiency and reducing improper payments. This provision is not intended to provide additional authority to standardize data, but to drive the process to occur across multiple Federal agencies.

The bill includes a provision that allows SNAP benefits to be used for the purchase of community-supported agriculture (CSA) shares. The Committee is aware that the Secretary currently permits CSA businesses to participate in SNAP. Farmers organized as a CSA can participate in a manner similar to farmers' markets; SNAP recipients use SNAP benefits and receive eligible food items from the CSA at the time product is delivered (*i.e.*, at the point-of-sale). Nonprofit CSAs are permitted to accept SNAP benefit payment up to 14 days in advance of product delivery. The Committee expects that the Secretary will administer this provision in accordance with current practice and procedures for authorized community-supported agriculture businesses.

#### *Additional Nutrition Programs*

Food banks have been successful in effectively utilizing Federal commodities and securing private sector donations in order to feed hungry Americans. However, local food banks have been struggling to provide enough food to needy families in the current economic climate. Recognizing the challenges food banks are facing, the FARRM Act provides an additional \$25 million per year for The Emergency Food Assistance Program (TEFAP).

Furthermore, it is the intent of the Committee that the Secretary purchase and deliver emergency foods so as to maximize the continuity of food product flow to emergency feeding organizations throughout the year to better enable them to meet the need for assistance in local communities, particularly in times of high demand. To meet this objective, the Committee strongly encourages the Secretary to review potential bonus and surplus removal purchases on a real-time basis and adjust the timing of mandatory food purchases and deliveries to address periods when bonus and specialty crop deliveries are expected to be low. Having a more balanced delivery of both mandatory and bonus food purchases will enable emergency feeding organizations to better serve those in need. The Committee also intends for the Secretary to consider the



cost of regulatory changes on the operation of emergency feeding operations in order to prevent such regulatory changes from adversely affecting the services provided by the emergency feeding organizations. The Committee encourages the Secretary to work with emergency feeding organizations to address these concerns.

The FARRM Act makes changes to the Commodity Supplemental Food Program (CSFP) that will transition this program into serving only the elderly while allowing the small percentage of women and children currently enrolled in the program to continue to receive services until they have exceeded the age of eligibility. The Committee intends that individuals participating in CSFP on the day immediately prior to the effective date of this provision shall remain eligible until such time as an individual is no longer eligible for the program in any age or category. For example, a participating infant on effective date may remain in the program as he or she ages into subsequent age/categories, if otherwise eligible. Women and children will all continue to be served by the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), which is more suited to their dietary needs.

The Committee agreed to increase funding for Community Food Projects by an additional \$10 million per fiscal year, with  $\frac{1}{2}$  of this increased funding being designated to projects that help communities provide incentives for low-income individuals to purchase fruits and vegetables. The Committee recognizes that there has been tremendous growth in the purchase of locally grown fruits and vegetables. Rather than duplicate programs, the Committee increased funding for an existing program that is flexible and has been successful in helping communities address the food and nutritional needs of its citizens.

The FARRM Act also removes the word “fresh” from the Fresh Fruit and Vegetable Program. The purpose of the program is to encourage the increased consumption of fruits and vegetables in a variety of forms in elementary schools with a high number of low-income students. This change will allow elementary schools participating in this program to maximize their funding by having the option of purchasing fresh, frozen, canned, and dried fruits and vegetables. Fruits and vegetables in all forms, as emphasized by the 2010 Dietary Guidelines for Americans, provide a variety of micronutrients and fiber that are important to maintaining overall health. The Committee recognizes the challenges schools face in the storage and preparation of fresh foods, and to accommodate those needs, the bill provides schools with greater flexibility while still serving school children with a variety of nutritious produce. The Committee expects the Secretary to inform states and schools of this change to the program through notification.

Additionally, the Committee believes that participants in all federally funded nutrition assistance programs deserve access to a variety of safe and nutritious food. The 2010 Dietary Guidelines for Americans recognized that Americans’ consumption of fruits, vegetables, and fiber is below target, and all forms of these products increase the intake of essential vitamins and nutrients. The Committee encourages the Secretary to include all forms of fruits, vegetables and beans—canned, fresh, frozen, and dried—in nutrition assistance programs, and to educate program participants that all

forms of these foods can help them meet the Dietary Guidelines for Americans.

The bill includes a pilot program within the Department of Defense (DOD) Fresh Fruit and Vegetable Program. This pilot would allow up to five states to use their DOD Fresh funding allocation to source local produce. The Committee expects states that are selected to participate in this pilot to use this funding solely for the procurement of local fresh fruits and vegetables for school children. The Committee also intends for the pilots to be carefully evaluated in order to help inform future national policy.

#### **Title V—Credit**

The House Agriculture Committee understands that access to credit is crucial to America's economy as a whole, but more importantly to the health and success of family farms, ranches, and the entire agricultural sector. To that end, the FARRM Act provides greater flexibility to the Farm Service Agency (FSA) in facilitating credit programs.

Under current law, FSA provides Farm Ownership Loans to owners of farms. However, when a family forms a separate entity for transition or liability reasons, Farm Ownership Loans are no longer available to them. By adding "other legal entities" to the list of eligible borrowers, the Committee reported bill enables FSA to assist qualified operating entities with Farm Ownership Loans even when the entity does not own real estate or is a member of the operating entity thus providing flexibility and greater participation to the program.

The Committee reported bill provides clarification and flexibility to the Secretary to adjust experience requirements to avoid excluding those who are qualified, but may not be able to meet the current 3 year farming or ranching experience requirement, thus enabling more young or beginning farmers and ranchers to participate in the program.

The Committee reported bill increases the Conservation Loan guarantee amount from 75 to 90 percent (a percentage similar to other loan programs), encouraging a larger participation rate for beginning farmers and ranchers, while continuing to protect priority for beginning and socially disadvantaged farmers and ranchers.

In an effort to provide greater participation for beginning farmers and ranchers and increased flexibility to FSA, the Committee reported bill increases the maximum loan value for the Down Payment Loan Program from 45 percent of \$500,000 to 45 percent of \$667,000.

Throughout last summer's audit hearings the Committee found several areas in which FSA could streamline certain administrative mandates. As a result, the Committee repealed the Mineral Rights Appraisals requirement for real estate loans. Moving forward, this change should reduce costs for both the borrower and FSA as third party appraisals could be used in some cases instead of FSA having to obtain a new appraisal that specifically includes the mineral value.

Under the current statute, delinquent youth loan borrowers are subject to provisions of the Debt Collection Improvement Act. This can result in undue hardship, as a youth loan recipient could be

rendered ineligible for student loans and grants, which may prevent them from obtaining higher education. The Committee reported bill directs the Secretary, on a case-by-case basis, to waive the personal liability and cancel any remaining debt in situations in which failure was beyond the youth's control (*i.e.*, project failure due to disease or natural disaster).

The Committee reported bill directs the Secretary to establish a microloan program to better serve young, beginning, veteran and urban farmers and ranchers.

The Committee reported bill directs FSA to prioritize joint financing agreements and Down Payment Loans within the Direct Farm Ownership Loan program in order to maximize the number of borrowers served for a given level of appropriations.

Under current law, beginning farmer ownership loans are limited to applicants who do not own real estate in excess of 30 percent of the median farm size in the county. In some counties however, the median size is so small that an applicant cannot qualify if they own any real estate. To that end, the Committee reported bill reconciles the median farm size limitation by replacing "median" with "average". In almost every county, the average is greater than the median farm size. This allows more otherwise qualified applicants to receive beginning farmer ownership loans.

Most FSA loans are available to all agriculture producers, no matter if they reside in rural, suburban, or urban areas. However, FSA Youth Operating Loans are currently only available to youth (ages 10–20) who live in rural areas (areas with 50,000 or less residents). The Committee reported bill removes the "rural residents" requirement allowing all youth the opportunity to receive a Youth Operating Loan similar to all other FSA loans, while continuing to require that youth borrowers would need to be under the supervision of an organization, such as 4–H, FFA or Boys/Girls Clubs.

The Committee reported bill makes changes to the loan program for purchasers of highly fractionated tribal land to ensure that the program meets the needs of tribal members.

#### **Title VI—Rural Development**

The Committee reported bill addresses fiscal constraints by reducing authorizations for appropriations by more than \$1.5 billion over five years. Based on discussions with stakeholders, and in conjunction with the reduced number of programs, the Committee expects this action will ensure scarce funds are concentrated in the most effective programs.

In testimony before the House Agriculture Subcommittee on Rural Development, Research, Biotechnology and Foreign Agriculture the Government Accountability Office (GAO) responded to several critical issues in programs operated by USDA. Among these was the impact that funding set-asides have on the fragmentation of rural development programs, and the overlap or duplication across programs. Additional testimony by witnesses representing counties, municipalities, and nonprofit rural development organizations cited both the confusing number of programs and the burden of applying for assistance as a major impediment to accessing rural development funding at USDA. The Committee agrees with a number of the GAO's conclusions and the concerns of municipal organizations. The Committee reported bill addresses these concerns by

eliminating thirteen programs, requiring the Secretary to collect information on the success of loans and grants over time, and requiring the Secretary to create simplified applications.

GAO also highlighted a need for measuring the effectiveness of rural development programs. Committee passed bill addresses this need by requiring the Secretary to collect data regarding economic activity created through the loans and grants provided to rural communities. The Committee expects these efforts will create a harmonized baseline of information for effective use by USDA and Congress. It is the intent of the Committee to integrate this collected information with program changes and rulemaking.

In testimony reviewing rural development programs in advance of formulating the Committee reported bill, stakeholders spoke to the importance of regional collaboration to create effective outcomes. The Committee recognizes that the Secretary can coordinate the efforts of USDA with other Federal agencies, and expects the Secretary to ensure rural development funds are carefully targeted for the greatest impact possible. The Committee reported bill also addresses regional collaboration through the reauthorization of the Delta Regional Authority, the Northern Great Plains Regional Authority, and the State Rural Development Councils.

Testimony presented to review broadband programs clearly indicated a need for transparency through the application process for incumbent providers to respond appropriately to applications for new funding in their service territory. The Committee reported bill addresses this need by authorizing the Secretary to establish a process by which incumbent providers may submit comments.

The Committee recognizes the importance of “Main Street” businesses to rural communities, and that the recent economic downturn has reduced the affordability of credit in rural areas, putting considerable strain on these small businesses. The Committee reported bill addresses this issue through changes to the Business & Industry (B&I) Loan Program intended to ensure working capital is an eligible use of funds. The Committee reported bill also provides flexibility for the Secretary to consider accounts receivable for the purposes of collateral to allow lenders to help meet the capital needs of small businesses in rural areas. The Committee encourages USDA to examine additional ways to guarantee lending to small brick-and-mortar, community-owned businesses, such as an increased loan guarantee percentage for smaller loans, a streamlined process for making B&I loans of less than \$250,000, and making operating lines of credit eligible as a program use. Additionally, the Committee encourages USDA to better coordinate with the Small Business Administration on outreach related to the B&I loan guarantee program to rural lenders.

The Committee recognizes that with over \$3 billion in pending applications for water and wastewater projects throughout rural America, reauthorization of water infrastructure programs is a vital component to rural economic development. Access to water systems promotes the health of rural communities and attracts businesses to invest in communities which are well supported by critical infrastructure. To address the current backlog, the Committee passed bill directs USDA to maximize the use of guarantees through private or cooperative lenders for projects for larger communities. The Committee expects these provisions to leverage

available funds to serve more communities than might otherwise be served solely through direct loans.

## **Title VII—Research, Extension, and Related Matters**

### *Option To Not Be Included as Hispanic-Serving Agricultural College or University*

The Committee recognizes that for institutions with degree programs in the agricultural sciences that qualify as a Hispanic Serving Institution under the Higher Education Act of 1965, the subsequent automatic qualification as a Hispanic Serving Agricultural College or University then precludes that institution from qualification as a Non-Land-Grant College of Agriculture. The Committee does not take a position on how an institution should be designated, but has provided that Hispanic Serving Institutions with degree programs in the agricultural sciences may choose which designation they wish to be considered under for purposes of access to program funding eligibility.

### *National Agricultural Research, Extension, Education, and Economics Advisory Board*

The National Agricultural Research, Education, Extension, and Economics Advisory Board (NAREEEAB) was created in 1996. The NAREEEAB replaced an existing user's advisory board and consolidated the functions of numerous other boards, task forces and counsels. This advisory board has since served as the principal advisory mechanism to the Secretary, Under Secretary, agency administrators and the Congress on all aspects of the Research, Education and Economics (REE) mission area.

In creating the NAREEEAB, the Congress intended for this board to recommend policies, identify short and long term national priorities for REE programs, and to evaluate program results and effectiveness among other assigned duties. The Congress has since added multiple duties and consultative functions to the Board's mandate. In doing so, the Committee is aware that the work load and learning curve of the volunteer members is high. It has become apparent to the Committee that it can take several years for new board members to become comfortable not only with the diverse subject matter under review, but likewise the law and administrative functions they are required to evaluate. While the statute defines the length of a Board members' individual term, the Congress has never included nor intended for board members to be subject to a limit on the number of terms they can serve. Unfortunately, the Committee has become aware that USDA has instituted an arbitrary term limit policy on Board members that inhibits the individual members and the overall Board's effectiveness. The Committee strongly encourages the Secretary to reverse this policy.

Among the duties of the Board previously assigned was the responsibility to review and make recommendations on procedures for merit review of competitive grant proposals. The Committee has become aware that the USDA initially requested comments of the NAREEEAB following enactment of the merit review requirement in 1998 but has never revisited the question. The Committee is concerned that the USDA has misunderstood the legal mandate for merit review and has included clarification that for purposes of this

review, merit is to be equated with the relevancy of the research or extension project to the community it is meant to serve. The Committee envisions that the process of evaluating a grant application would start with scientific peer review, and those applications deemed to be of sufficient scientific quality would then be reviewed and awarded on the basis of merit and relevancy. The Committee has further required that the NAREEEAB consult with industry stakeholders in developing their guidance and that the USDA consult on an ongoing basis with the NAREEEAB to ensure that these reviews are functioning as intended.

The Committee recognizes the interest in growing agricultural commodities in less traditional production areas. As such, the Committee encourages the Secretary in consultation with the NAREEEAB, in both the intramural research carried out by the Agricultural Research Service and in the competitive grants programs carried out through AFRI and other authorities, to carry out and fund research into the unique situations facing producers in urban areas. These unique situations may include reclaiming land previously used for industrial purposes or neglected residential areas, and addressing needs such as the remediation of soils to make them capable of producing agricultural commodities for human consumption.

#### Veterinary Services Grant Program

Our veterinary workforce is responsible for ensuring that the food we eat is safe, but they are facing a critical shortage in the public, private, industrial and academic sectors, and the problem is growing. Our Nation's large-animal vets are truly on the front lines of food safety, public health, animal health and national security. The demand for large-animal veterinarians is increasing, and lack of these specialists in many areas of the country will continue to put our agricultural economy and the safety of our food supply at risk.

Since the fall of 2000, the Committee on Agriculture has worked on ways of resolving the serious veterinary shortage problem confronting many rural communities. With the passage of the National Veterinary Medical Service Act in December of 2003, a program was finally authorized to incentivize large animal veterinarians to practice in communities that USDA designated as veterinarian shortage areas. With this program in place, large animal veterinarians are able to apply on a competitive basis for educational loan repayment assistance in exchange for their commitment to practice in shortage

To the extent that the loan program is successful, it's important to consider that this was just the first step. While this assistance will be very helpful in attracting veterinarians to these communities, there remain gaps in veterinarian recruitment, attracting and training technical support staff, and simply meeting the long-term costs of operating veterinarian practices in these communities.

The Veterinarian Services Investment Act is meant to address these secondary needs and is designed to complement the loan repayment program to help large animal veterinarians become established in these rural communities.

This bill recognizes and addresses a real problem in rural America. This legislation will authorize grants to address workforce shortages based on the needs of under-served areas. For example, grants could be used to recruit veterinarians and veterinary technicians in shortage areas and communities. It could add veterinarians expanding and establishing practices in high-need areas. It could establish mobile portable clinics and televet services and establish education programs, including continuing education, distance education, and factor recruitment in veterinary science.

#### Grants and Fellowships for Food and Agriculture Sciences Education

The Norman E. Borlaug International Agricultural Science and Technology Fellowship Program (Borlaug Fellowship Program) helps developing countries strengthen agricultural practices by providing scientific training and collaborative research opportunities to visiting researchers, policymakers, and university faculty. The Borlaug Fellowship Program has provided over 500 fellowships for agricultural professional from 64 developing countries worldwide. Currently, Fellowships can run from six to twelve weeks depending on research topic and funding availability. The Committee is concerned that the length of the fellowships currently offered may be too brief in term in some instances to provide real training and research opportunities. The Committee understands that a brief short term fellowship is an effective method to provide certain specific training and research opportunities. However, the Committee would urge the Secretary to modify the implementation of the program to also provide longer term training and collaborative research opportunities to address those instances where a long term fellowship would allow greater in depth training and research.

#### Extension Research

The Cooperative Extension System is a nationwide, non-formal educational network. Each state, territory, and the District of Columbia has an office at its land-grant universities and a network of local or regional offices which are staffed by experts who provide practical, research-based education to agricultural producers, small business owners, youth, consumers, and others in rural and urban communities. The Committee encourages the Secretary to ensure that Cooperative Extension is effectively utilized to deliver the educational component of USDA programs. The Secretary is also encouraged to engage in discussions with other Federal departments and agencies to consider ways to use the Cooperative Extension to deliver education for other Federal programs as practicable.

#### Auditing, Reporting, Bookkeeping, and Administrative Requirements

The Committee is concerned about the increasing use of assessments, fees, and higher indirect costs rates imposed on its university partners by the Agricultural Research Service (ARS). These university partners play a major role in achieving ARS research priorities and objectives. In a time of scarce budgetary resources, ARS must ensure limited research dollars are maximized and administrative costs are reduced to the fullest extent possible. In recent years, ARS has imposed a variety of administrative assessments on its university partners, effectively reducing funds intended for important research projects. The Committee expects

ARS to operate within historical administrative cost parameters, namely by imposing a total indirect cost rate not exceeding four percent. All administrative assessments, fees, dues, or charges, of any type, must be included within this overall administrative cost cap. ARS must administer its programs more efficiently to ensure valuable research funds are maximized so it may continue to maintain a robust agricultural research enterprise. The Committee encourages ARS to continue university research partnerships to ensure our nation's premier educational and clinical institutions play a major role in achieving ARS and congressional research objectives.

#### Matching Funds Requirement

The use of matching funds has proven to be an effective tool in leveraging limited Federal resources with commitments from those benefitting from agricultural research and extension. Unfortunately, the application of these policies by the US Department of Agriculture (USDA) has been arbitrary and inconsistent.

Efforts by the Committee to develop a comprehensive policy on research and extension matching funds originated during the development of the 2008 farm bill. At the time, it was noted that as research programs have been authorized or modified, the incorporation of matching requirements was done in a subjective manner. An effort was initiated during the 2008 farm bill conference to harmonize the matching requirements, but due to the complexity of the task and time constraints, the effort was dropped with the understanding that the Committees and USDA would undertake a stakeholder process designed to provide recommendations in advance of the 2012 farm bill. Unfortunately that process never materialized after the 2008 bill.

The House Agriculture Committee has maintained an interest in engaging stakeholders in a discussion about how to harmonize these policies to improve consistency and transparency in their application. Several requests have been made for suggestions on how best to approach this issue and the consensus seemed to be that the Committee should propose a discussion draft. The language included in Committee legislation was the result of technical assistance received by the USDA and is meant to begin this discussion.

As part of the discussion that has already commenced, it is important to highlight what the provision does, as well as what it does not do.

The provision, once implemented would apply to competitive grants for extension or applied agricultural research. These grants would be subject to a 100 percent match of cash or in-kind support from any other source, but only if the grant is specific to a state or commodity. The Secretary would have the authority to waive the matching requirement if the grant is deemed to be a national priority using the process established for priority setting conducted as part of the statutory mandate of the National Agricultural Research, Extension, Education and Economics Advisory Board (NAREEEAB). The use of the NAREEEAB in this way is not without precedent. Under the Organic Food Production Act, the authority of the Secretary to create a National List of approved and prohibited substances that shall be included in the standards for or-



ganic production and handling is limited to the advice of the National Organic Standards Board.

Current matching fund policies, such as that under the Agricultural and Food Research Initiative impose a requirement of a non-Federal match to commodity specific grants that are not of national scope, but under a plain reading of the law would apply to regional collaborative grants involving multiple States.

It is the intent of the Committee that the match policy allow for cash or support from “any” other source, including other Federal funds. However, we are aware that under this statutory language such funds would have to be consistent with the purpose of both grants. As stated above, this language is meant to begin discussions on important issues surround a universal match policy.

The Committee is aware of both the difficulty in meeting these requirements and the inconsistency in which they are applied and has attempted to develop a policy that is reasonable, transparent and consistently applied across the universe of USDA competitive agricultural research and extension grant programs.

#### *Repeal of National Agricultural Weather Information System*

The Committee is aware that advanced weather forecasts using Tropospheric Airborne Meteorological Data Reporting (TAMDAR) systems have been used by the Federal Aviation Administration, the U.S. Weather Service, and the National Oceanic and Atmospheric Administration for over seven years. The Committee supports advanced forecasting employing TAMDAR in that it enhances U.S. and allied meteorological forecasting systems, thus providing improved reliability and situational awareness, which is particularly useful in agricultural forecasts. The Committee therefore encourages continued use of this system by the Department of Agriculture.

#### *Regional Centers of Excellence*

With limited resources to invest in critical programs, the Committee has considered multiple options by which Federal funds can be leveraged to improve overall program effectiveness. With the recognition that multiple institutions and organizations participate in projects of similar interest, the Committee has sought to incentivize the formation of formal partnerships and other organizational structures as Regional Centers of Excellence. The Committee reported bill directs that such centers that meet established criteria be granted priority in receipt of competitive research and extension grants.

The Committee would recommend USDA to promulgate regulations implementing section 1673 in accordance with appropriate regulatory procedures in order to allow interested stakeholders to gain a firm understanding of USDA’s implementation of the provision.

#### *Specialty Crop Research Initiative*

The Committee is aware of concerns that the required merit review process under the Specialty Crop Research Initiative and other competitive grants programs is not functioning as intended. Congress established the merit review requirement to ensure that grant applications that are of sufficient scientific quality as deter-

mined through a process of peer review shall then be evaluated and final awards be made based on the merit and relevancy of the grant request with respect to the constituency being served. In carrying out the merit and relevancy review process under the Specialty Crop Research Initiative, the Committee expects that the review and ranking for impact to be conducted by a panel of specialty crop industry representatives for the specific specialty crop. The Committee further encourages the Secretary to prioritize competitive grants to address imminent threats which may impact the future of specialty crop production in this country.

*Competitive, Special, and facilities Research Grant Act*

The Agriculture and Food Research Initiative (AFRI) is the premier competitive research and extension grants program within the USDA. The AFRI program was established in 2008 as a successor program to the National Research Initiative Competitive Grants Program and the Initiative for Future Agriculture and Food Systems. The statutory priorities for the AFRI program are purposefully broad. In developing these priorities, the Congress was aware that as science evolves, a balance needed to be achieved between the need for flexibility to respond to new and emerging threats and opportunities, and the need for transparency and accountability in the expenditure of taxpayer funds.

Concerns are periodically raised regarding the annual allocations among the various statutory programmatic priorities and sub priorities. The Committee was aware of these qualitative concerns but lacked quantitative information on which to base any policy modifications. As a continuation of the programmatic audit carried out by the Committee in preparation for developing the FARRM Act, the Committee requested USDA provide a listing of recent awards under the AFRI program sorted according the corresponding statutory priorities and sub priorities. USDA initially responded to the Committee that it had no means by which to track grants in relationship to the statutory authority upon which they are awarded. The Committee ultimately received a partial response to the oversight request after a delay of more than 3 months, but only days prior to consideration of the FARRM Act. The data reveal a dramatic shift in awards funding away from traditional areas of production agriculture. For instance, awards for research in plant systems dropped from 38.7% of available funds in fiscal year 2007, the final full year under of the predecessor programs, to 18.4% in 2011. Awards for research in animal systems fell from 22.4% to 9.4% over the same time period.

The Committee is concerned that the allocation of research and extension awards under the AFRI program is inconsistent with our national priorities. This same concern was raised by the Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies in their report for the fiscal year 2012 appropriations when the subcommittee stated that “over the past few years, numerous reports from Federal agencies and private philanthropic and scientific organizations have highlighted the need for the United States to invest in agricultural research, particularly to ensure productivity growth and to develop and refine sound natural resources management practices for U.S. farmers and ranchers and others around the world. In light of this

advice and the nation's serious budget deficit and debt problems, the agency should be focusing its research efforts on only the highest priority, scientifically merited research. While there are many interesting research topics and a multitude of issues that could be researched, the Committee expects the agency to focus on its core mission of agricultural research by setting a very high standard for research funded by the agency and requiring a rigorous peer review."

The Committee agrees with the concerns raised by the Appropriations Subcommittee and has included language related to the President's annual budget submission to both improve the transparency and the accountability for the funding administered by the USDA under AFRI and other competitive agricultural research and extension grants programs.

The Committee recognizes the importance of basic animal health research to support the farmed cervidae industry, and as such, supports research focusing on the development of viable strategies for the prevention, diagnosis, and treatment of infectious, parasitic and toxic diseases of farmed deer and the mapping of the deer genome.

The Committee recognizes the growing importance of and need for comprehensive and practical scientific and economic assessments of agricultural practices and technologies intended to improve agriculture's water quality and quantity performance. This is particularly the case as states work with producers on high priority or high profile water quality challenges. Such scientific and economic assessments are needed for the major crop producing regions of the country, taking into account soils, climate, crops grown, and the technologies and agricultural practices in use. The goal of such assessments should be to develop information and continue to build on the tools already in place. The assessments should continue to develop new and innovative approaches to help producers and policy makers in states understand what is affordable, achievable and sustainable for producers. The assessment can then be used to consider how different water quality policy choices relate to other important societal objectives involving agriculture. The Committee encourages the Secretary to initiate a multi-year effort to help the states and USDA continue to develop this base of science and knowledge through the funding of proposals from qualified institutions capable of supporting interdisciplinary teams of researchers and experts to carry out such efforts.

The Committee recognizes the success of the Conservation Effects Assessment Project (CEAP) and the cross collaborative approach between multiple agencies at USDA, and strongly encourages USDA to continue and expand on those efforts. The Committee does not intend for this provision to be a replacement for or duplication of CEAP, but rather as a source of sound, complementary economic and technical information that could be used in conjunction with CEAP to create more accurate assessments of the effects of prospective conservation measures on agricultural land.

The Committee recognizes that maintaining and enhancing wild rice, a uniquely American specialty crop, depends on continued use of traditional breeding methods, along with the application of new genetic tools to make conventional breeding more efficient. Genetic analysis of shattering, disease resistance, reduced plant height, and

other traits require not only development of new genetic markers for wild rice, but also new methods for gathering accurate phenotypic information on the plants. The use of these improved genetic resources in the future depends on their continued availability through reliable seed storage methods. Some research has been done on maintaining viability of stored seeds, but these need to be translated into reliable and useful methods at the local level to ensure breeding progress.

The Committee would hope that the Secretary would consider the following research objectives regarding wild rice genetic resources: preserving and enhancing wild rice breeding lines for testing and release as future varieties; developing phenotyping methods and genotypic markers for various traits; using genotypic and phenotypic information to identify superior genetic resources for breeding and to develop more efficient breeding methods; evaluating and maintaining the genetic distinctiveness of wild rice breeding lines and populations; and developing improved methods for short- and medium-term storage of wild rice breeding lines and populations.

#### *Renewable Resources Extension Act of 1978*

The National Association of University Forest Resources Programs (NAUFRP), (formerly the National Association of Professional Forestry Schools and Colleges) represents 69 of our nation's universities and their respective scientists, educators and extension specialists. NAUFRP's purpose is to advance the health, productivity, and sustainability of America's forests by providing university-based natural resource education, research, science, extension and international programs. The Committee would encourage USDA to engage in discussions with NAUFRP to ensure that their proposals for ecosystem services, invasive species management, and innovative biobased products are appropriately addressed.

#### Budget Submission and Funding

The Committee is aware of the need for the statutory priorities for the various agricultural research, education and extension programs to be written with sufficient flexibility so that the Administrators of the USDA research agencies can respond quickly and efficiently to emerging problems and opportunities. The Committee is equally cognizant of the need for taxpayer funds to be used in a transparent and accountable manner.

Recent changes that have occurred in Congressional appropriations procedures have empowered USDA bureaucrats to direct spending seemingly without regard to statutory priorities. Coupling the extraordinary spending discretion granted to the agencies with a lack of transparency relating to the priority setting process exposes these critical programs to allegations of waste, fraud and abuse.

As a follow up to a series of programmatic audits conducted by the Committee, a request was submitted for the Department to provide a listing of grants awarded by the USDA under one principal competitive grants program sorted according to the statutory priorities for which the funding was appropriated. The Department was unable to provide this information for more than 3 months due

to what was at the time a lack of ability by the Department to track program funding according to the authorized priorities.

A review of the data ultimately provided by the Department demonstrates a significant reduction in funding provided for research related to core production agricultural programs. The Committee reported bill does not significantly alter the priorities for the various competitive research and extension programs. Nor does the Committee draft adopt specific across the board set asides. In order to increase the ability of Congress to oversee funding allocations, the Committee reported bill instead creates a new requirement on the Secretary to provide transparency and accountability with regard to the research, extension and education budget. It is the intent of the Committee that USDA provide increasingly detailed spending plans to Congress in advance of the development of annual appropriations measures so that the legislature and interested constituencies can weigh the merits of these allocations against evolving priorities, and as a representative body the Congress can approve or disapprove of the proposed allocations.

Working cooperatively between the branches and fully involving interested stakeholders in the priority setting process will likely result in better understanding of the need and benefits of investment in agricultural research, extension and education programs.

#### Sun grant program

The Committee reported bill directs the Secretary to utilize and leverage the investment, resources and capacities of the current regional Sun Grant Program Centers and Sub-center to continue their leadership and management of the regional Sun Grant competitive grants program.

### **Title VIII—Forestry**

The Committee believes that healthy national, state, and private forests should be a high priority for the Department. Healthy forests are an important component of helping sustain fire-resistant communities and promoting economic health across rural America. The Committee reported bill reflects the priorities of the Committee by providing the Forest Service the tools necessary to improve forest management over the course of the bill.

#### *Forest Service Decision Making Process*

The Committee reported bill includes language that clarifies that the Forest Service does not need to engage in a notice, comment, and appeal process for routine actions. This language came as a result of a Federal court decision in March 2012 that the agency must engage in this process for noncontroversial actions such as planting trees after wildfire, trail maintenance, or one-time events such as races. The Committee believes this is a burdensome requirement for the Forest Service when no other Federal agency is required to engage in a similar process. The Committee is also concerned that this requirement will have an adverse impact on rural economies by virtue of restricting the number of revenue-generating activities that may occur on National Forest lands.

*Stewardship Contracting*

The Committee provided the Forest Service with a 4 year extension of authority to conduct Stewardship contracting. This approach to land management has proved effective nationwide since it was first authorized in 1999 and extended in 2003. Stewardship contracting allows the Forest Service to conduct important forest restoration work by allowing the value of wood removed to help offset the cost of needed restoration treatments, like forest thinning, introduction of prescribed fire, and habitat improvements for a variety of species. It is important to note that Stewardship contracting is not intended to replace the existing timber sale contract. Where there are robust wood markets, the Forest Service can frequently achieve its forest restoration and habitat goals simply by offering carefully designed timber sales. The Committee asks the Chief to work with purchasers of Forest Service timber to address concerns they have raised about methods of selecting the winning bidders on Stewardship contracts, and to provide feedback to losing bidders to help increase their understanding of the process to become more effective in the future. The Committee asks the Chief to include liability limitations for operations fires in all types of Stewardship Contracts and Stewardship Agreements. These liability limitations should be substantially similar to the protections in existing timber sale contracts.

*Pine Bark Beetle*

The outbreak of the pine bark beetle afflicting states across the nation is a great concern to the Committee. To date, an estimated 41 million acres have been affected, creating potentially hazardous fuel loads in several western states. The Committee reported bill includes provisions to provide the Forest Service with increased flexibility to address this issue and work with partners to mitigate the potential damage. The Committee wishes to clarify that the Secretary has the authority to designate critical areas at any point beyond the initial 60 day deadline specified in Sec. 8302. In reviewing the threat maps for designation of possible critical areas, the Secretary has the authority to treat those areas that are not immediately threatened by a disease outbreak in order to reduce the threat of future outbreak.

*Forest Inventory and Analysis*

The Forest Inventory and Analysis (FIA) program is the nation's only comprehensive forest inventory system for assessing the health and sustainability of the nation's forests across all ownerships. FIA provides essential data related to forest species composition, forest growth rates, and forest health data and is the baseline inventory estimate used in the State-wide Assessments and Strategies for Forest Resources. The program provides unbiased information that has immediate utility to foresters, landowners and many other users by serving as the basis for monitoring trends in wildlife habitat, wildfire risk, insect and disease threats, predicting spread of invasive species and for responding to contemporary forest issues such as estimating sustainable woody biomass supplies for renewable energy production, forest carbon inventories, and determining the timber supply available to support local mills and local jobs. The Committee recognizes the critical importance of the FIA pro-

gram and directs the Forest Service to place increased emphasis within the agency's Research and Development program to implement the strategic plan called for in Sec. 8401.

*Forest Service Retired Employees*

The Committee is concerned about the increasing number of retired Forest Service employees in recent years. Section 8402 included language to allow the Forest Service to hire retired employees under the Agriculture Conservation Experienced Services (ACES) program. The Forest Service will continue to see a large number of retirements in the coming years. Allowing the Forest Service to participate in the ACES program allows the agency to retain the institutional knowledge acquired through the years by these senior employees.

**Title IX—Energy**

The Committee continued the efforts of the 2002 and 2008 Farm Bills in drafting the energy title of the Committee reported bill. The Committee recognized rural America's important role in contributing to America's energy needs. The Committee focus in drafting the energy title was to continue to facilitate the establishment of new types of renewable energy feedstocks across rural America and to assist agriculture producers and rural small business to become more energy efficient.

With the exception of the Flexible Feedstock program, the programs under the energy title did not have a budget baseline beyond the expiration of the 2008 Farm Bill. Given the difficult budgetary decisions already affecting the drafting of a new bill, the Committee did not include mandatory funding for programs in the energy title. The Committee chose to keep the framework for renewable energy in place by reauthorizing several programs with discretionary funding and modifications to the underlying statutory authority. Despite the lack of mandatory funding, the Committee expects to see significant progress in the development of advanced biofuel feedstocks over the course of the Farm Bill.

*BioPreferred Program*

The Biobased Market Program is intended to stimulate the production of new biobased products and to energize emerging markets for those products. While the focus of the program is to promote new products and emerging markets, the program shall not create market disadvantages for certain biobased products relative to other biobased products. The Committee would hope that in its current rulemaking process, that mature markets for biobased products, including products made from forestry and cotton materials, are not put at a competitive disadvantage, particularly in comparison to products that may be imported into the United States. The Committee has heard concerns from a variety of sources within the forest products industry, including lumber producers, about their eligibility to participate in this program. And as such, the Committee reported bill amends the definition of a biobased product in order to clarify that forest products should be included in the BioPreferred program.

*Rural Energy for America Program*

The Committee reported bill amends the definition of a “renewable energy system” to clarify what is eligible for financial assistance under the Renewable Energy for America Program (REAP). The Department announced an initiative in October 2010 to assist in the installation of 10,000 blender pumps over a five year period. The intent of the program has been to promote energy efficiency and the production of renewable energy, rather than energy delivery. Therefore, blender pumps or other mechanisms to dispense fuel on a retail level are not a use of the program consistent with this purpose.

The Committee reported bill also streamlines the application process for REAP to create a three-tiered application process. The Committee believes that due to the wide range of projects funded under the program, those producers seeking smaller amounts of assistance should not be required to submit the same volume of information as those seeking larger amounts.

*Biomass Crop Assistance Program*

The Biomass Crop Assistance Program was reauthorized with modifications. The program as written in the 2008 Farm Bill was not implemented in a manner consistent with the Committee’s vision. Initial estimates of the program projected spending of \$70 million on the program over the course of the Farm Bill. However, approximately \$924 million has been spent on the program through the end of FY11. After issuance of the final rule in October 2010, the Committee believes the program is now being run in a manner consistent with Congressional intent. To ensure that the purpose of the program continued to be carried out, the Committee removed the authorization of payments for the collection, harvesting, storage, and transportation of eligible materials to a biomass conversion facility. The Committee intends that the purpose should be on the establishment of new crops, rather than funding existing crops.

**Title X—Horticulture***Horticulture*

Specialty crops—fruits, vegetables, tree nuts, and nursery plants—account for almost half of the domestic crop value in the United States.

The Committee believes that the specialty crop industry can be best served through Federal and State efforts that help producers increase their respective competitive positions through marketing, promotion, plant pest and disease pressures, and research programs. The FARRM Act builds upon the popular and successful programs established in the 2008 Farm Bill with this notion in mind. Expanding export markets and increasing access to locally produced products is a priority in the FARRM Act.

*Specialty Crop Block Grant Program*

The bill makes several changes to the Specialty Crop Block Grant program, which has been successful in enhancing the competitiveness of specialty crops by promoting increased consumption of fruits, vegetables, and nuts, fostering local and regional economic development, and enhancing research on specialty crops. The



FARRM Act increases funding for the Specialty Crop Block Grant program to \$70,000,000 for each fiscal year. The Committee also adjusts the grant allocation formula in a manner that balances the value of specialty crops with the number of acres devoted to specialty crop production within states. The Committee directs both USDA and the states to limit the administrative funds at 3 and 8 percent respectively to capitalize on the funds available to growers.

The Committee recognizes the difficulty in coordinating and funding multi-state projects within the block grant program, and the Committee expects the USDA to issue guidance and work with states in making grants available for such projects. These multi-state projects may include food safety, research, plant pest and disease, and crop specific projects. These projects have the ability to link growers across state lines and promote much needed collaborative research. In the Secretary's guidance, effective multi-state collaborative research should not limit needed equipment and facilities if it is found they are essential to research advancements.

#### Plant Pest and Disease

To ensure the continued availability of funding for the important work of the National Clean Plant Network, the Committee has combined this program with the Pest and Disease program and increased baseline funding for both. The Committee expects that annual funding for the important work of the National Clean Plant Network will not be less than the level provided in FY 2012 and may be provided to the Network without regard to the process for distributing funds to address the other provisions of Section 420 of the Plant Protection Act.

The Committee recognizes that Disease Management and Disaster Prevention Programs as previously authorized in the Food, Conservation, and Energy Act of 2008 includes imminent pressing and persistent threats from pests and disease, such as Citrus Greening, to agriculture production.

The Committee recognizes the importance of the Federal government, specifically the USDA, developing and maintaining the highest technological capability of identifying plant pests and invasive species. Further, the Committee believes that the advanced technological capabilities acquired through development of plant pest and invasive species detection technologies should facilitate the development of a coordinated, interagency response plan for the Federal Government to effectively mitigate plant pests and invasive species. The Committee encourages USDA to take the appropriate steps to facilitate information and technology sharing with other appropriate agencies of the Federal government involved in invasive species management such as Department of the Interior, Environmental Protection Agency, U.S. Coast Guard and the U.S. Army Corps of Engineers.

#### Farmers Markets

The Committee recognizes the growing interest among producers and consumers to provide and purchase locally-grown agricultural products. The FARRM Act expands the Farmers Market Promotion Program to include food system infrastructure and increases funding for competitive grants to expand farmers markets and other direct-to-consumer market opportunities.

#### Olive Oil Marketing Order

The Committee has taken steps to permit the establishment of a marketing order for domestically produced olive oil. Should this marketing order be established, the Committee expects USDA, in conjunction with the U.S. Trade Representative's office, to ensure the marketing order is implemented in a manner that will not cause undue trade disruption.

#### Honey Standard of Identity

The Committee is concerned with the Food and Drug Administration's denial of the honey industry's 2006 citizen's petition calling for a Federal standard of identity for honey. Consequently, the Committee directs USDA to submit a report to the Commissioner of the FDA on the importance of establishing such a standard. The Committee recognizes that inconsistent standards can cause confusion in the market place and legal challenges. The Committee instructs the USDA to take into consideration the honey industry's petition filed with the Food and Drug Administration.

#### *Organics*

Organic agriculture and its products continue to occupy a prominent place in the minds of American consumers. Recent surveys show that seventy-eight percent of U.S. families say they choose organic food, up from seventy three percent in 2009. Further, seventy-two percent of survey respondents say they are familiar with the USDA organic seal and its meaning.

Consumer confidence in the integrity of USDA National Organic Program (NOP) is fundamental to the continued growth of the organic sector. An essential element of strong consumer confidence is the ability of the NOP to efficiently administer enforcement actions against producers and handlers who violate NOP regulations.

The Federal Agriculture Reform and Risk Management Act strengthens the ability of the NOP to bring enforcement actions against violators of the NOP regulations by permitting the Secretary to administer oaths, affirmations, subpoena witness, compel their attendance, take evidence and require the production of records during the course of an NOP investigation. The Act also ensures due process is afforded to organic producers and handlers by affirming the right to judicial review of USDA orders suspending organic certification.

#### Importance of Biotechnology

Since its introduction in the late 1990's Agricultural biotechnology has been embraced by American farmers with 94% of soybeans, 88% of corn and 90% of cotton grown in the U.S. through varieties improved by modern biotechnology.

Currently, nearly two billion people in our global community are malnourished, and the need to sustain a rapidly growing global population places an imperative on finding ways to meet daily life needs in an environmentally sustainable way. According to the U.S. State Department, it will be necessary to produce as much food in the next 50 years as was produced during the previous 10,000 years combined. Science and innovation in agriculture will be required to produce this amount of food, feed and fiber in an environ-

mentally sustainable way. U.S. consumers must be assured of the availability of an adequate, wholesome and economical food supply.

The wide spread adoption of agricultural biotechnology has resulted in several environmental improvements. Because of no-till and reduced-till practices associated with the use of biotechnology crops, soil quality and carbon storage has improved, on-farm fuel use has declined, and greenhouse gas emissions have been reduced. In 2009, the aggregate environmental effect of these benefits was equivalent to removing of 17.7 billion kg of carbon dioxide from the atmosphere or removing 7.8 million cars from the road for one year.

#### Legal Challenges

The Committee is aware that many industry and academic experts agree that frivolous legal challenges have made the U.S. regulatory process for agricultural biotechnology products an impediment to the timely review and commercialization of valuable new products. While administrative reforms have been introduced at USDA in an effort to produce decisions better able to withstand procedural challenges in Federal court, the Committee is concerned that expenditure of the limited resources available to the USDA should be based on the prioritization of risk, not responding to questionable procedural claims. The numerous oversight activities carried out by the Committee have all led to the conclusion that targeted legislation is needed to ensure advances in modern agriculture will be available in the future.

Opponents of technology filing lawsuits once agricultural biotechnology products are approved by USDA, claim that the Department experts have not conducted proper environmental analyses despite the rigorous environmental reviews conducted by USDA and the lack of evidence that previously approved crops are harmful to health or the environment. Lawsuits dramatically slow USDA's review of new products and cost the Department millions of dollars each year, slows down the entire process and stigmatizes the technology without any scientific basis. The delay in regulatory approvals creates uncertainty for farmers, researchers and companies.

#### Implications

Conducting extensive reviews of products with a history of safe use diverts scarce resources from higher priority applications. When researchers are prohibited from studying new technologies because of costs associated with regulation, it reduces farmer choice and threatens discoveries of scientific breakthroughs that could help feed a rapidly growing world population.

Other countries recognize the value of efficient agricultural biotechnology regulation. Brazil, for example, has accelerated its regulatory processes while continuing to rigorously evaluate environmental safety concerns. In a six year period beginning with 2005, Brazil completed the review of 28 biotech crops and the USDA completed its review of 15. The average time to review a product in Brazil is 27 months compared to the average time in the U.S. of 38.4 months (as of 2010). According to USDA, between 1992 and 1999, USDA, on average, took 178 days to complete a review of a biotech crop. Currently, that process takes two to five years. The

Committee has acted to ensure that U.S. farmers and businesses are not at a competitive disadvantage when it comes to our foreign trading partners. Such a disadvantage makes it more difficult for the U.S. to grow a 21st Century bio-economy.

*Legislation to Address Current Regulatory Review Process*

The Committee has taken note of the enormous challenges confronting the current USDA review process for innovative new agricultural products and the serious hardships that prolonged litigation has had on growers and others who rely on the review to be efficient, transparent and science-based. The FARRM Act provisions are intended to address those challenges by consolidating the Secretary's review of potential adverse environmental effects and potential plant pest risk under one statute, the Plant Protection Act, with clearly defined time tables.

The Committee is likewise aware of potential procedural challenges brought against the USDA related to the issuance of confined field test permits for new and novel traits that meet well defined regulatory criteria. The Committee would like to reiterate that the purpose of confined field test permits authorized by the Secretary is to accumulate the information needed to properly assess potential environmental effects and plant pest risk at such time as a petition for nonregulated status is submitted for review by the Secretary.

The Committee recognizes that the regulations that would be in effect on the date of enactment of this subsection currently provide USDA flexibility to forego environmental assessments under certain circumstances through the use of categorical exclusions. As noted in *International Center for Technology Assessment v. Johanns* (473 F.Supp.2d 9) (D.D.C. 2007), generally, APHIS's regulations require environmental assessment preparation for field trials (7 CFR § 372.5(b)(5)(i)). The regulations also set forth, however, a series of "categorically excluded actions" that do not require the preparation of an EA or EIS. These excluded actions include "[p]ermitting, or acknowledgment of notifications for, confined field releases of genetically engineered organisms and products." It is the intent of the Committee to preserve that flexibility and apply this Act's environmental analysis requirements in the instances where the Department has previously determined that an environmental assessment or, in certain cases, an environmental impact statement is required. The Secretary would be expected to tailor the level of detail in the environmental analysis to the scope and complexity of the action under review.

The current environmental review process has proven to be very cumbersome. The Secretary must attempt to comply with a variety of different statutory requirements and regulatory procedures in order to address the likely environmental effects of actions taken under the Plant Protection Act. The amendment ensures that those environmental effects, including effects on threatened and endangered species, will be addressed in a consistent, timely manner under a single statutory mandate and set of procedures.

The Committee also presumes that the current regulatory definition of "organism" would be used as the basis for any new rule-making; however, we intend to give the Secretary flexibility in this matter.

#### Failure to Meet Time Period

If the Secretary has failed to act on a petition within the requisite time period under paragraph (3), the Committee expects that, should the environmental analysis required under paragraph (1) not be completed on the date the organism is deemed not to be a plant pest by operation of law, the analysis will be completed within no more than 90 days after such date.

#### Background on Establishment of PRIA

The Pesticide Registration Improvement Act (PRIA) is a landmark law enacted on January 23, 2004. Congress reauthorized PRIA (now known as “PRIA 2”) for another five years on October 9, 2007. The law is intended to provide additional resources for the Environmental Protection Agency’s (EPA) registration activities and more predictable service for pesticide registrants.

PRIA created an entirely new paradigm for EPA to process applications for pesticide registrations and other related actions, including establishing specific timelines with corresponding fee schedules. Under PRIA 1, the Agency’s Office of Pesticide Programs was required to process applications within timeframes specified for each of the 50 categories of registration actions. PRIA 1 also established specific fees for each of the 50 categories. Under PRIA 2, the number of categories increased to 140 and PRIA 3 would establish 189 categories.

PRIA legislation retained and increased the product maintenance fees that support reregistration and tolerance reassessment authorized under the Food Quality Protection Act. Pesticide registrants paid \$110 million in maintenance fees during the authorization of PRIA (which expires in October 2012) and registrants are scheduled to pay \$139 million in maintenance fees for the five year period to be covered by the proposed “PRIA 3.”

PRIA established a prohibition against the collection of other registration fees (as distinct from registration service fees) authorized under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). PRIA also suspended the Agency’s authority to collect tolerance fees which had been authorized by the Federal Food, Drug and Cosmetic Act (FFDCA).

#### Implications of Additional Fees Proposed by Administration

Since 1989, various White House Administrations have sought to reinstate old and prohibited fees and the current administration is no exception. In Fiscal Year 2013, industry registrants have already agreed to revenues ranging from \$31 million to \$38 million for maintenance and registration service fees. For Fiscal Year 2013, the Office of Management and Budget (OMB) has proposed an additional \$27 million in maintenance fees and an additional \$24 million in registration service fees.

If these proposed fees are enacted, the revenue would go to the U.S. Treasury where it would be unavailable to EPA’s Pesticide Program. Moreover, enactment of these fees would require amendments to FIFRA and FFDCA, thus undermining the letter and intent of PRIA. Congress has repeatedly barred collection of increased fees proposed by OMB and rejected White House proposals to modify FIFRA and FFDCA accordingly. To enact pesticide fee increases beyond those authorized by PRIA would jeopardize the

many gains in EPA's pesticide registration program to the many stakeholders that benefit from EPA's scientifically rigorous regulation of this industry.

#### EPA and USDA Coordination for Decisions on Plant Incorporated Protectants (PIPs)

Congress has previously directed the Administrator to expedite the review of reduced-risk pesticides, FIFRA Section 3(c)(10), 7 U.S.C. 136a(c)(10). In reauthorizing PRIA, the Committee is troubled by apparent inefficiencies in the EPA's registration process for two categories of reduced-risk pesticides: plant-incorporated protectants, both individual and combined trait products, and herbicides used over the top of herbicide-tolerant crops, both individually and in combination. Both categories of pesticide products involve a parallel, albeit independent, review of the relevant plant products by the Secretary under the Plant Protection Act and implementing regulations.

The Committee expects that the Administrator and the Secretary will coordinate and otherwise conduct their respective reviews in such a manner as not to cause any undue delay in action being taken on the particular application, petition or other request pending before them. Nor should any provision of PRIA be used to delay action by the Administrator on an application submitted under FIFRA without good cause shown.

#### Provisions Under 'PRIA 3'

The following provisions are included in the third reauthorization of PRIA:

- extends the authority of EPA to collect maintenance fees until 2017;
- extends the prohibition on collection of other registration and tolerance fees to 2019 and 2017, respectively;
- establishes a small business cap;
- allocates funds for EPA to use for the enhancement and improvement of IT systems for the registration of pesticides and tracking of key information;
- amends the percentage of maintenance fees devoted to review of inerts and fast track amendments;
- increases registration service fees during the life of PRIA 3 by 2.5%;
- provides that the Administrator shall identify reforms in processing that would allow it to improve decision times beyond those provided for in the Act; and
- cites new schedule of decision review times.

#### 'PRIA 3' Tables

Included in the Committee report (112–669) is an Appendix that contains 'PRIA 3' Tables with the applicable schedules of covered pesticide registrations applications and corresponding registration service fees and decision time review periods.

## Pesticide Biological Opinions

The Committee has been made aware of the dramatically different views on approaches to assessing and managing potential risks to fish, wildlife and plant species between the Environmental Protection Agency (EPA) and the Fish and Wildlife Service and National Marine Fisheries Service (collectively, the Services). Consequently, these agencies disagree on fundamental legal and science policy matters related to their respective obligations under the Endangered Species Act (ESA) and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). These scientific disagreements, along with inability to develop a sound and workable process for consultation under ESA, threaten public health, agricultural productivity, and global competitiveness with no commensurate benefit to threatened and endangered species.

FIFRA requires EPA to evaluate unreasonable risk of harm to human health or the environment (including fish, wildlife and “non-target” plants) before granting pesticide registrations or amendments to existing pesticide registrations.

FIFRA requires applicants for pesticide registration actions (registrants) to submit to EPA a robust set of scientific data to ensure the protection of the environment. EPA also considers other available data and has the authority to require additional data from pesticide registrants to ensure decisions are scientifically sound. EPA’s Office of Pesticide Programs is uniquely staffed to critically evaluate the voluminous available data on the potential pesticide effects.

ESA provides for an additional level of scrutiny by requiring Federal agencies, such as EPA, to consult with the Services on “agency actions” (such as a pesticide registration) that could impact threatened or endangered species or their critical habitats. As part of the consultation process, the Services issue a “biological opinion” which may recommend additional modifications or restrictions to “agency actions.”

In the last decade, EPA has been sued to compel consultations with the Services for hundreds of products throughout the nation, and has agreed to do so. These lawsuits are “procedural” in nature citing a lack of “consultation” with the Services and rarely attack EPA’s underlying analysis of the science-based record. Most importantly, however, such lawsuits divert precious government resources from actually protecting endangered species. Several of the lawsuits filed have resulted in Court-ordered “interim” restrictions on the use of critical pesticides. In January 2011, an activist group filed a suit against EPA involving more than 380 pesticides and 214 threatened or endangered species. A suit of this magnitude could seriously jeopardize agriculture and pest control activities in 49 states.

The EPA has made significant efforts to meet obligations under FIFRA and ESA, while the Services have produced biological opinions that many observers find grossly flawed, ignore pertinent data, and rely on outdated and irrelevant studies. Therefore, the five consultations conducted since 2002 have not been fully implemented. As a result, EPA has not found the Service’s recommendations sufficiently based on sound science to compel registrants to adopt them.

This inability to resolve fundamental scientific issues at the heart of a consultation involving pesticides led EPA Administrator Lisa Jackson and the Secretaries of the United States Department of Agriculture, Department of Interior and Department of Commerce to recently ask the National Research Council (NRC) of the National Academy of Sciences (NAS) to provide guidance on six key scientific issues. This action, however, does not stop the litigation, nor will it impede courts from unilaterally imposing unwarranted pesticide restrictions. In a joint oversight hearing held on May 4, 2011, between the Committee's on Agriculture and Natural Resources, it became clear to many of the Committee's respective Members that the requested NRC study was incomplete and lacking in the scope necessary to critically review existing biological opinions in their entirety.

#### Response For Why Legislation is Needed

Committee Members have therefore raised numerous concerns with the failure of the NRC study contract to include unbiased scientific peer review of the Services' biological opinions as well as an analysis of the technological and economic feasibility of the proposed "Reasonable and Prudent Measures" or "Reasonable and Prudent Alternatives".

To ensure the NRC study addresses the concerns raised by interested parties during the hearing, the Committee continues to strongly assert that the following scientific questions must be included in the NRC study to properly examine the numerous issues raised by the Services' biological opinions to date. Questions that the Committee has asked the agency to include in the NRC contract include:

The NAS recently provided guidance on evaluation of data quality for EPA Integrated Risk Information System (IRIS) evaluations. What criteria should the EPA and the Services be using in evaluating data for acceptability and relative quality in regulatory decision-making? How should decisions on data acceptability be documented?

A well defined weight-of-evidence framework would provide some structure and transparency to the objective assessment of information relied upon for regulatory decision-making. Is there a recommended framework for a "weight-of-evidence" approach for evaluation of all relevant available data and how should that framework be applied?

Were apparent incongruities or inconsistencies in available data appropriately addressed and clearly described in the Services' biological opinions? Were the implications of the inconsistencies considered in describing the uncertainty in the assessment?

Were the rationales used to support jeopardy or adverse modification determinations well-grounded in empirical observations? Have the Services clearly articulated the limitations and uncertainties associated with the effects determinations?

When worst-case assumptions are made, how should they be documented to make the level of conservatism apparent, consistent with Presidential memoranda?

Should uncertainty factors be reduced or eliminated as more recent empirical data are made available? If so, have the Services



adopted this principle in their effects determinations conducted to date?

Were the assumptions used to fill data gaps supported by empirical data, reasonable and clearly articulated?

Were the specific assumptions and inferences used to support jeopardy and adverse modification determinations plausible? That is, did the Services include an assessment of the a priori likelihood that critical assumptions and inferences would prove true if tested?

Where in the assessment process should the Services involve the expertise of other Federal and state Agencies, as well as non-Federal entities such as growers and other stakeholders, in the risk assessment process?

The problem formulation includes a description of the different stressors that are influential on species survival. How are considerations of key stressors for endangered and threatened species and the relative significance of their known or potential impacts incorporated into a jeopardy finding as part of the Biological Opinion?

How should consideration of key stressors inform the Reasonable and Prudent Measures (RPMs) or Reasonable and Prudent Alternatives (RPAs) suggested at the end of the consultation process? For example, if habitat loss is identified as the predominant factor impacting a species in question, how will measures to lessen impact include consideration of mitigation options that increase or improve habitat?

How should the Services consider the human health implications of the impact of proposed mitigation measures on mosquito population control efforts?

The Committee is likewise concerned that the scope of work of the NRC must cover direct and indirect economic impacts. Therefore, it is imperative that any review of these biological opinions be comprehensive in nature, and address the following issues pertaining to economic feasibility, consistent with 50 CFR § 402.02 before moving forward with implementation of any pending or future biological opinions related to FIFRA registered products.

What factors should the Services consider to make the determination that proposals are “technologically feasible”?

What factors should the Services consider to make the determination that the proposals are “economically feasible”?

Can you recommend an appropriate framework for conducting a benefit-cost analysis (BCA) for determining and documenting economic and technical feasibility?

In addition to a BCA, a cost-effectiveness analysis (CEA) can provide a rigorous way to identify and evaluate options that achieve the most effective use of the resources available. Can you recommend an appropriate framework for conducting a CEA to evaluate a range of possible alternatives under consideration?

For both BCAs and CEAs how should the Services document and analyze important uncertainties associated with proposed RPAs? Furthermore, to what extent is it recommended that the Services provide a sensitivity analysis to reveal whether, and to what extent, the results of the analysis are sensitive to plausible changes in the main assumptions and inputs?

To what extent is it recommended that the Services identify and consider important ancillary benefits and countervailing risks related to proposed RPAs? (For example, potential reduction in habi-

tat resulting from changes in land management practices in response to proposed restrictions.)

Taken together, these questions represent a reasonable basis on which to achieve scientific consensus. The Committee urges the EPA, USDA and Services' to take such action as is necessary to amend, supplement or reinstate the request to the NRC to ensure that their work, once completed will be thorough and defensible.

#### The Federal Insecticide, Fungicide, and Rodenticide Act

The Federal Insecticide, Fungicide, and Rodenticide Act ('FIFRA') is a regulatory statute that governs the sale and use of pesticides in the United States through the registration and labeling of such products. Its objective is to protect human health and the environment from unreasonable adverse effects of pesticides, taking into account the costs and benefits of various product uses. Pesticides regulated under FIFRA include insecticides, herbicides, fungicides, rodenticides, and other designated substances. The Environmental Protection Agency ('EPA') reviews scientific data submitted by chemical manufacturers on toxicity and behavior in the environment to evaluate risks and exposure associated with a product's use.

FIFRA prohibits the sale of any pesticide unless it is registered and labeled indicating approved uses and restrictions. It is a violation of Federal law to use such a chemical in a manner that is inconsistent with the label instructions. If a registration is granted, EPA makes a finding that the chemical 'when used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment.' (7 U.S.C.136a(c)(5)(D).) EPA then specifies the approved uses and conditions of use of the pesticide, and this is required to be explained on the product label.

#### The Clean Water Act

The objective of the Federal Water Pollution Control Act (commonly known as the 'Clean Water Act' or the 'CWA') is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. The primary mechanism for achieving this objective is the CWA's prohibition on the discharge of any pollutant without a National Pollutant Discharge Elimination System ('NPDES') permit. EPA has the authority to regulate the discharge of pollutants either through general permits or through individual permits. NPDES permits specify limits on what pollutants may be discharged from point sources and in what amounts. Under the CWA, 47 states and territories have been authorized to implement NPDES permits and enforce permits. EPA manages the Clean Water Act program in the remaining states and territories.

NPDES permits are the basic regulatory tool of the CWA. EPA or an authorized state may issue compliance orders, or file civil suits against those who violate the terms of a permit. In addition, in the absence of Federal or state action, individuals may bring a citizen suit in United States district court against those who violate the terms of an NPDES permit, or against those who discharge without a valid permit.

## Litigation

In over 30 years of administering the CWA, EPA had never required an NPDES permit for the application of a pesticide, when the pesticide is applied in a manner consistent with FIFRA and its regulations. While the CWA contains a provision granting citizen suits against those who violate permit conditions or those who discharge without an NPDES permit, FIFRA has no citizen suit provision. As a result, beginning in the late 1990s, a series of citizen lawsuits were filed by parties, contending that an NPDES permit is necessary when applying a FIFRA-regulated product over, into, or near waterbodies. These cases generated several Court of Appeals decisions that created confusion and concern among pesticide users regarding the applicability of the CWA with regard to pesticide use.

As the litigation continued, concern and confusion grew among farmers, forest landowners, and public health officials, prompting EPA to issue interim, and later final, interpretive guidance in August 2003 and January 2005, and then to undertake a rulemaking to clarify and formalize the Agency's interpretation of the CWA as it applied to pesticide use. The EPA rule was finalized in November 2006 (71 *Fed. Reg.* 68483 (Nov. 27, 2006)), and was the culmination of a three year participatory rulemaking process that began with the interim interpretive statement in 2003 and involved two rounds of public comment.

The 2006 EPA rule codified EPA's long-standing interpretation that the application of chemical and biological pesticides for their intended purpose and in compliance with pesticide label restrictions is not a discharge of a 'pollutant' under the CWA, and therefore, that an NPDES permit is not required. The rule clearly defined specific circumstances in which the use of pesticides in accordance with all relevant requirements under FIFRA is not a CWA 'discharge of a pollutant,' explaining in detail the rationale for the Agency's interpretation.

When the rule was finalized, environmental groups, as well as farm and pesticide industry groups, filed petitions for review of the rule in several Federal Circuit Courts of Appeal. The petitions were consolidated in the Sixth Circuit. The Sixth Circuit ultimately vacated the rule on January 7, 2009 in *National Cotton Council v. EPA* (553 F.3d 927; hereinafter, *National Cotton Council*), concluding that the final rule was not a reasonable interpretation of the CWA's permitting requirements. The court rejected EPA's contention that, when pesticides are applied over, into, or near waterbodies to control pests, they are not considered pollutants as long as they comply with FIFRA, and held that NPDES permits are required for all pesticide applications that may leave a residue in water.

EPA estimated that the ruling would affect approximately 365,000 pesticide applicators that perform some 5.6 million pesticide applications annually. The court's decision, which would apply nationally, was to be effective seven days after the deadline for rehearing expired or seven days after a denial of any petition for rehearing. Parties had until April 9, 2009 to seek rehearing.

On April 9, 2009, the government chose not to seek rehearing in the *National Cotton Council* case. The government instead filed a motion to stay issuance of the court's mandate for two years to pro-

vide EPA time to develop an entirely new NPDES permitting process to cover pesticide use. As part of this, EPA needed to propose and issue a final NPDES general permit for pesticide applications, for states to develop permits, and for EPA to provide outreach and education to the regulated community. Industry groups filed a petition seeking *en banc* review, asking the full Sixth Circuit to reconsider the decision from the three-judge panel.

On June 8, 2009, the Sixth Circuit granted EPA a two year stay of the court's mandate, in response to their earlier request. The Sixth Circuit denied the industry groups' petition for rehearing in August 2009. The court-ordered deadline for EPA to promulgate a new permitting process for pesticides under the Clean Water Act was April 9, 2011. On March 3, 2011, EPA filed another request for an extension with the court. On March 28, 2011, the Sixth Circuit granted an extension through October 31, 2011. The Court's extension only temporarily postponed the need for an NPDES permit for pesticide use, and did not obviate the need for this legislation.

Two petitions were filed with the U.S. Supreme Court in December 2009 by representatives of the agriculture community and the pesticide industry, requesting that the U.S. Supreme Court review the *National Cotton Council* case. A number of parties, including numerous Members of Congress, filed *amicus briefs* with the U.S. Supreme Court, in support of or opposition to the petitions. On February 22, 2010, the U.S. Supreme Court denied the petitioners' request without comment.

#### EPA Development of a New Permitting Process To Cover Pesticide Use

EPA continued to move ahead and developed a new NPDES permitting process to cover pesticide use, and on October 31, 2011, EPA issued a final NPDES Pesticide General Permit for point source discharges from the application of pesticides to waters of the United States. The permit covers four pesticide uses: (1) mosquito and other flying insect pest control; (2) aquatic weed and algae control; (3) aquatic nuisance animal control; and (4) forest canopy pest control. It does not cover terrestrial applications to control pests on agricultural crops or forest floors, and does not cover activities exempt from permitting under the CWA (irrigation return flow, agricultural stormwater runoff) and discharges that will require coverage under an individual permit, such as discharges of pesticides to waterbodies that are considered impaired under CWA Sec. 303(d) for that discharged pesticide. This general permit provides coverage for discharges in the states where EPA is the NPDES permitting authority. In the remaining states, the states are authorized to develop and issue the NPDES pesticide permits.

#### Implications

The Committee has received testimony and other information on the implications of the Sixth Circuit's holding in the *National Cotton Council* case, and the new permitting process that EPA has had to develop under the CWA as a result of that holding, on state and local agencies, mosquito control districts, water districts, pesticide applicators, agriculture, forest managers, and other stakeholders. On February 16, 2011, the Subcommittee on Water Resources and Environment of the House Committee on Transportation and Infra-

structure held a joint hearing with the Nutrition and Horticulture Subcommittee of the House Committee on Agriculture to consider means for reducing the regulatory burdens posed by the case, *National Cotton Council v. EPA* (6th Cir. 2009), and to consider related draft legislation.

Despite being limited to four categories of pesticide uses, EPA's new general permit for covered pesticides stands to be the single greatest expansion of the permitting process in the history of the NPDES program. EPA has estimated that it can expect approximately 5.6 million covered pesticide applications per year by approximately 365,000 applicators—virtually doubling the number of entities currently subject to NPDES permitting. (U.S. EPA, Fact Sheet for 2010 *Public Notice of: Draft National Pollutant Discharge Elimination System (NPDES) Pesticides General Permit (PGP) for Discharges from the Application of Pesticides to or over, including near Waters of the U.S.*, at 14, available at [http://www.epa.gov/npdes/pubs/proposed\\_pgp\\_fs.pdf](http://www.epa.gov/npdes/pubs/proposed_pgp_fs.pdf).)

With this unprecedented expansion comes real and tangible burdens for EPA and the states that will have to issue the permits, those whose livelihoods depend on the use of pesticides, and even everyday citizens going about their daily lives.

EPA has said that they will be able to conform the current process to meet the Sixth Circuit's mandate. Even so, much of the responsibility of developing and issuing general permits falls on the states. Forty-five states (and the Virgin Islands) are now facing increased financial and administrative burdens in order to comply with the new permitting process. In a time when too many states are being forced to make difficult budgetary cuts, the nation cannot afford to impose more financial burdens.

The expanded permitting process also imposes enormous burdens on pesticide users who encompass a wide range of individuals from state agencies, city and county municipalities, mosquito control districts, water districts, pesticide applicators, farmers, ranchers, forest managers, scientists and others. The new and duplicative permitting process is increasing both the administrative difficulty and costs for pesticide applicators to come into compliance with the law. Compliance no longer means simply following instructions on a pesticide label. Instead, applicators have to navigate a complex process of identifying the relevant permit, filing with the regulatory authority a valid notice of intent to comply with the permit and having a familiarity with all of the permit's conditions and restrictions. Along with increased administrative burdens comes an increased monetary burden. Estimates are that the cost associated with the EPA permit scheme to small businesses could be as high as \$50,000 per business, annually.

In addition to the costs of coming into compliance, pesticide users are subject to an increased risk of litigation and exorbitant fines. Applicators not in compliance face fines of up to \$37,500 per day per violation, not including attorney's fees. Given the fact that a large number of applicators have never been subject to NPDES and its permitting process, even a good faith effort to be in compliance could fall short. Moreover, the CWA allows for private actions against individuals who may or may not have committed a violation. Thus, while EPA may exercise its judgment and refrain from prosecuting certain applicators, they remain vulnerable to citizen

suits. Unless Congress acts, hundreds of thousands of farmers, foresters, and public health pesticide users will remain under the constant threat of lawsuits, now that the Sixth Circuit's April 9, 2011 deadline has past.

It is not only pesticide regulators and applicators who are being affected by the new permitting requirements. Rather, the Sixth Circuit's decision is affecting everyday citizens, who rely on the benefits provided by pesticides and their responsible application. Pesticide use is an essential part of agriculture. Imposing a burdensome and duplicative permitting process on our nation's farmers threatens their ability to continue to provide the country with a safe and reliable food supply. Many family farmers and small applicators lack the resources to ensure compliance with a cumbersome and detailed permit scheme. Moreover, for those farmers who are able to comply, delays that are inherent in permitting schemes are ill-suited for prompt pest control actions necessary in agriculture. Failure to apply a pesticide soon after a pest is first detected could result in recurring and greater pest damage in subsequent years if a prolific insect were to become established in plant hosts. The Secretary of Agriculture, Hon. Thomas J. Vilsack, has said that a permitting system under the CWA for pesticide use 'is ill-suited to the demands of agricultural production.' (Letter, Hon. Thomas J. Vilsack, Secretary of Agriculture, to Hon. Lisa P. Jackson, Administrator, U.S. Environmental Protection Agency, Subject: *The National Cotton Council of America, et al., v. United States Environmental Protection Agency* (Mar. 6, 2009)).

Forest landowners also stand to suffer under the new permit scheme. EPA's permit scheme stands to result in a reduction in the use of forest pest control as a forest management tool, resulting in the acceleration of tree mortality and general decline in overall forest health. It also is erecting barriers for the control of pests, such as Gypsy Moth and Forest Tent Caterpillar. This may result in a higher incidence of preventable tree kills and defoliated landscapes.

The Committee also recognizes the importance of the aerial application of pest control tools. These tools are useful not only to ensure overall food safety and food security, but also to promote public health through improved mosquito control techniques. The ARS Aerial Application Technology Program conducts innovative research making aerial applications more efficient, effective, and precise. This program has yielded more effective public health control programs, as well as increased efficiencies and greater crop production. Research for aerial application serves the public interest as a vital tool for the future.

Finally, the Sixth Circuit's holding could have significant implications for public health. The National Centers for Disease Control officially recognizes the following as a partial list of mosquito-borne diseases—Eastern Equine Encephalitis, Japanese Encephalitis, La Crosse Encephalitis, St. Louis Encephalitis, West Nile Virus, Western Equine Encephalitis, Dengue Fever, Malaria, Rift Valley Fever, and Yellow Fever. (Centers for Disease Control and Prevention, [http://www.cdc.gov/ncidod/diseases/list\\_mosquitoborne.htm](http://www.cdc.gov/ncidod/diseases/list_mosquitoborne.htm).)

EPA's permit program poses the possibility of critical delays in emergency responses to insect and disease outbreaks and stands to divert resources from controlling environmental pests to litigation and administrative burdens.

#### Development of Legislation in Response to the Sixth Circuit decision

As a result of concerns raised by Federal, state, local, and private stakeholders regarding the interrelationship between FIFRA and the CWA and the concerns posed by the new and duplicative permitting process under the CWA, the House Committee on Transportation and Infrastructure and House Committee on Agriculture sought technical assistance from EPA to draft very narrow legislation targeted only at addressing the Sixth Circuit's holding in *National Cotton Council* and return the state of pesticide regulation to the *status quo*—before the courts got involved. The Provisions of Section 10017 are based on the technical assistance that EPA provided to the Committees, and is intended to be consistent with EPA's final rule from November 2006. The bill amends FIFRA and the CWA to eliminate the requirement of an NPDES permit for applications of pesticides authorized for sale, distribution, or use under FIFRA.

#### *Sulfuryl Fluoride*

On May 1, 2012, EPA published a *Federal Register* notice 77 Fed. Reg. 25661 requesting additional comment on several issues raised during the agency's January 19, 2011, request for comments on the proposed tolerance revocation and stay request for the pesticide sulfuryl fluoride. In its latest request, EPA asked the public to provide additional information on several issues that were raised by commenters on EPA's earlier proposal, including certain legal issues regarding the implementation of Federal Food, Drug, and Cosmetic Act section 408 and factual issues regarding the availability of alternatives to sulfuryl fluoride and impacts that would result if it were no longer available as a fumigant.

The Committee appreciates the EPA's efforts to come to terms with what the Agency admits are "the unusual circumstances" surrounding the application of certain risk assessment policies in a situation where the vast majority of exposure results from fluoride sources other than sulfuryl fluoride, including naturally occurring sources. The current proposal continues however to cast doubt over the use of an important pesticide that, with the strong encouragement of the EPA, was adopted by the agriculture and food industries. The Committee is concerned that the reluctance to use sulfuryl fluoride by producers and related businesses during a lengthy administrative process may contribute to higher food costs and pose considerable challenges to maintaining food safety. For that reason, the Committee urges the EPA Administrator to withdraw the proposed order until such time as the relevant legal and factual issues have been resolved.

#### **Title XI—Crop Insurance**

Over the course of the past 20 years, the United States has gone from ensuring 83 million acres to 264 million acres, a 218 percent increase. Over that same period, the value of production protected by crop insurance has risen from roughly \$11.3 billion in 1992 to \$113.5 billion in 2011. Vast improvements in crop insurance over the past 20 years have resulted in growers taking up this tool as the cornerstone of their risk management strategy. With crop insurance, farmers have "skin" in the game, paying in a record \$4.5 billion in crop insurance premiums in 2011.

Through several audit, field, and Washington-based hearings in preparation for writing the farm bill—along with countless meetings with farmers and farm groups—the resounding message the Committee heard was that we should do no harm to crop insurance.

The Committee heeded the message of not harming crop insurance and has used the opportunity to make several improvements, building on the tool that has become the cornerstone of the risk management framework for our nation's farmers.

#### *Information Sharing*

The Committee recognizes that many of the errors discovered in the delivery of crop insurance are due to the agent or the approved insurance provider not receiving information from the Farm Service Agency or not receiving that information in a timely manner. The Committee expects the Department of Agriculture to ensure that the Farm Service Agency (FSA) shares information with agents and approved insurance providers (AIPs) in a timely manner to ensure effective coverage for producers and to reduce errors.

#### *Publication of Information on Violations of Prohibition on Premium Adjustments*

The Committee has consistently sought to enjoin rebating under Federal crop insurance. The Committee remains concerned about inadequate enforcement, as well as overly broad interpretations of the very limited exceptions that have been statutorily granted. The Committee expects the Department to enhance enforcement efforts, give the narrowest application to the exceptions granted, and to publish violations as required by this section in order to provide clear guidance on what is permissible under the statute. That being said, finite enforcement resources and judgment require the Department to focus on activities that are serious and plain violations rather than discovering “rebates” in long-standing business practices that have, heretofore, existed in harmony alongside anti-rebating rules without a detrimental effect on crop insurance.

#### *Supplemental Coverage Option*

The Committee recognizes that budget conditions have greatly limited the resources available under Title I of the Farm Bill and that this requires the Department to use authorities granted under the Federal Crop Insurance Act to help fill at least a part of the void. The Supplemental Coverage Option (SCO), which statutorily requires that producers be allowed to supplement individual yield or revenue policies with area-based yield or revenue policies on the same acreage, is an essential part of this effort and, as such, must be made available for the 2013 crop year for all producers in all counties seeking such coverage.

The Committee understands that the Department has cited limited data as a possible reason to delay availability in certain counties and for certain crops. However, the Committee observes that this section and section 11008 of this Act greatly enhances the Department's capacity to gather and use the necessary data for timely implementation for the 2013 crop year. The Committee particularly expects that SCO will also be implemented for the 2013 crop year for crops that have a history of low participation and coverage lev-



els under crop insurance, including rice and peanuts in all counties where these crops are produced. The Committee encourages the Department to work to ensure that price discovery issues do not impede availability of SCO to any producer, including producers of medium grain rice.

Finally, the Committee would note that the Federal Crop Insurance Act is a broad grant of statutory authority which already authorizes SCO even without the express grant now provided under this section. The Committee is concerned that specific legislation is frequently required to address producer needs that could and should be met under the general grant of authority and urges the Department to exercise its authority to meet producer needs under this general grant rather than wait for Congress to require it. This is both in the interest of producers and to ensure that the broad, organic statute does not become a patchwork of specific requirements.

The Committee also expects that the Department will approve margin coverage in time for the 2013 crop year and specifically grants legal authority to offer such coverage under the Act.

The Committee would note in this instance as well as in the case of SCO that such legal authority already exists without the express approval of margin coverage under this section. Moreover, the Committee is concerned that the Department is applying the limitations imposed under the Federal Crop Insurance Act, generally, on the development of new policies under section 508(h) of the Federal Crop Insurance Act when the Act expressly instructs the Department not to do so. Section 508(h)(2) specifically excuses section 508(h) submissions from limitations generally applicable under the statute, yet the Department has applied these limitations nevertheless. The Committee expects the Department to give meaning to the statutory instruction that “a policy or other material submitted to the Board under this subsection may be prepared without regard to the limitations contained in this subtitle” without the need for a statutory restatement. Finally, the Committee expects that a producer may purchase additional coverage, margin coverage, and SCO on the same acreage since margin coverage is meant to be a supplement to additional coverage.

#### Repeal of Performance-Based Discount

The Committee notes that any number of discounts or rebates have been tested in previous years and have failed. Amendments to the statute made in this Act and previous Acts have largely eliminated the authority for discounts and rebates and the inequities on producers and increased burdens on delivery that these schemes tend to generate. For this reason, the Committee expects the Department to avoid the expansion of activities operating under any authorities that remain.

#### Permanent Enterprise Unit Subsidy.

The Committee would observe that the Department has the authority to carry out the enhanced premium support of Enterprise Units without the express authority the Committee now grants in this section. The Committee expects the Department to continue to carry out the enhanced premium support of Enterprise Units in a

manner that makes such an election at least as cost-effective to producers as it was prior to enactment of this legislation.

#### Enterprise Units for Irrigated and Non-Irrigated Crops

The Committee restates that authority already exists to achieve this important goal for producers and expects the Department to implement this section in time for the 2013 crop year as required by this amendment to the statute.

#### Data Collection

The authority granted under this section is to ensure, among other things, that SCO and the Stacked Income Protection Plan for Upland Cotton (STAX) are offered in all counties for the 2013 crop year.

#### Adjustment in Actual Production History To Establish Insurance Yields.

The Committee intends to reduce the double deductible producers face due to actual deductibles and those unintended deductibles created by artificially low Actual Production Histories (APHs). The Committee urges an aggressive effort to address this problem through the use of the authorities under this section and other authorities, including through a greatly expanded use of personal T-Yields and other effective approaches.

#### Submission and Approval of Pilot Programs and Other Policies

For the same reason, the Committee elected not to make changes to the private submission process established under section 508(h) of the Federal Crop Insurance Act in order to foster the greatest possible flexibility in the development of policies that will effectively serve producers. The Committee expects that a revenue policy for peanut producers as well as margin coverage and downed rice coverage for rice producers will be made available to producers in time for the 2013 crop year. The Committee further expects the Department to approve the separating of enterprise units by risk rating so that such enterprise unit coverage is available in time for the 2013 crop year.

#### Equitable Relief for Specialty Crop Producers

The Committee recognizes that specialty crop contracts were especially and unfairly impacted by the Standard Reinsurance Agreement (SRA) and provides \$41 million for each of the 2011 through 2015 reinsurance years in order to mitigate the adverse impacts. With respect to future reinsurance years to which this section applies, the Committee intends that the additional amounts provided to approved insurance providers be paid to agents at the same time as amounts paid pursuant to the "soft cap" on administrative and operating expenses.

The Committee further intends that the disbursements made under this section be paid without regard to the conditions imposed on the payment of administrative and operating expense amounts above the "soft cap." Finally, the Committee expects the Department to ensure that amounts made available with respect to previous or current reinsurance years are disbursed by approved insurance providers to agents in a manner consistent with payments made in those years under the "soft cap."

The Committee underscores that the provision of this equitable relief does not in any way provide statutory assent to the administrative imposition of limits on administrative and operating expenses or compensation to agents under the SRA.

#### Budget Limitations on Renegotiation of the Standard Reinsurance Agreement

The Committee expects the Department to negotiate budget neutral Standard Reinsurance Agreements. To the extent that there are any savings from such an agreement, such savings must be used to increase premium assistance to producers, enhance administrative and operating expense reimbursement to ensure effective delivery, or fund pilot programs. The Committee notes the extraordinary cuts made in the last SRA, much through administratively imposed restrictions on administrative and operating expense reimbursement and on agent compensation although authority for such restrictions is not to be found in statute. While the statute is broad, it expressly states administrative and operating expense reimbursement rates, and had never before been construed to authorize government intervention into private contracts between approved insurance providers and agents.

The Committee recognizes the covenants not to sue over these provisions, imposed on approved insurance providers who are privy to a contract with the Federal Government and on agents who are not privy to contract, as an acknowledgement by the Department of these issues. The Committee expects that the Department will consult the committees of jurisdiction more closely in future negotiations of the SRA, correct the overreaches of the 2011 SRA, and consult with agent representatives in such negotiations given the impact the SRA now has on agents both in terms of finances and workload. The Committee also recognizes that agents are the eyes and ears of crop insurance on the ground and encourages the Department to involve agents in the promulgation of rules, regulations, and policies of crop insurance in order to preempt program vulnerabilities before they occur.

#### Crop Production on Native Sod

The Committee considered this issue carefully and opted to confine the section's reach to the Prairie Pothole National Priority Area. The section contains prescriptive requirements and also broader authority to effectuate its purpose. The Committee expects the Department to exercise any discretion it may have in carrying out this section in a manner that is balanced and not overly onerous on producers.

#### Coverage Levels by Practice

The Committee expects the Department to allow producers to elect different coverage levels by irrigation practice beginning with the 2014 crop year as provided for in this section. However, the Committee encourages the Department to implement this section earlier if practicable.

#### Beginning Farmer and Rancher Provisions

The Committee expects the Department to carry out this section in a manner that imposes minimal burden on beginning farmers and ranchers, producers, approved insurance providers, and agents.

#### Stacked Income Protection Plan for Producers of Upland Cotton (STAX)

In order to address a World Trade Organization (WTO) dispute, U.S. cotton policy is fundamentally altered under the provisions of this Act, sharply limiting cotton producer support under the commodity title to the marketing loan. The Committee expects such coverage to be offered to all cotton producers in all counties in time for the 2013 crop year. The section would provide the bulwark of risk management for cotton producers through crop insurance and so this section's implementation in 2013 is essential. Provisions in this section and section 11008 enable the Department to implement this policy for cotton producers in a timely manner. The Committee expects the Corporation to cover the costs of that portion of indemnities attributable to the reference price.

#### Peanut Revenue Crop Insurance

The Committee expects the peanut revenue policy required under this section to be made available in time for the 2013 crop year. With substantially declining support under the commodity title, producers are expected to assume greater responsibility in managing price and production risks on the farm. In order to achieve this, all producers of all crops in all regions need access to risk management tools that they can purchase that are cost-effective on their operations.

#### Authority To Correct Errors

The Committee views the sharing of information required under section 11001 and the authority to correct errors as key components to ensuring that producers have effective coverage in place at the time of a loss and to protecting program integrity. The Committee expects the Department to implement this section in a manner that does not eliminate any authorities or practices preexisting the enactment of this Act that permit the correction of errors but rather as additive authority.

The Committee relied heavily upon the Department for its drafting and policy expertise in crafting this section, the spirit of which is intended by the Committee to allow the correction of unintentional errors to the maximum extent practicable. Neither program nor producer is served if coming forward with unintentional errors is punished as it may chill attempts at correction while leaving the producer without coverage if and when the error is discovered.

#### *Implementation*

The Committee expects the Department to work closely with the FSA, the RMA, approved insurance providers, and agent and producer representatives in developing any acreage report streamlining initiative project to ensure that the best interests of the producer are served.

#### Research and Development Priorities

The Committee expects the Department to make the development of policies that increase the participation of under-served commodities a priority, particularly policies serving sweet sorghum, biomass sorghum, rice, peanuts, and sugarcane.

#### Additional Research and Development Contracting Requirements

The Committee expects the Department to develop effective margin coverage for catfish producers and further emphasizes the need for the development of policies that effectively serve energy-dedicated biomass sorghum and sweet sorghum, as is required under this Act.

#### Pilot Programs

The Committee expects this provision to further remove unnecessary impediments to the initiation of pilot programs designed to test the effectiveness of risk management tools for producers.

#### Noninsured Crop Assistance Program (NAP)

The Committee is concerned that the improvements to NAP not impede the development of crop insurance policies for crops served by NAP. The Committee affirms the goal of developing effective crop insurance policies for all producers, crops, and regions so that producers meaningfully pay for the risk management coverage on their operations. Reliance on NAP should be a last resort.

The Committee recognizes the need for NAP to provide financial assistance to producers of non-insured crops, such as fern fronds, when low yields, loss of inventory, or prevented planting occurs due to natural disasters. With respect to NAP coverage, the Committee expects the inventory values of fern fronds to be counted separately from rooted fern plants.

### **Title XII—Miscellaneous**

#### *Mandatory Country of Origin Labeling Report*

On June 29, 2010 the World Trade Organization finalized the ruling on Canadian and Mexican challenges to the United States' mandatory country of origin law with respect to beef and pork. The decision was adverse to elements of mandatory country of origin labeling. A question remains as to whether or not the issue can be resolved administratively or require changes in the statute. The Committee expects that the Secretary will report to Congress how the Administration will bring the Administration into compliance with this decision. The Committee does not intend this provision to presuppose that determination.

#### *GIPSA*

The Committee addresses regulations prompted by Section 11006 of the Food, Conservation, and Energy Act of 2008, which were proposed by the U.S. Department of Agriculture on June 22, 2010 and titled "Implementation of Regulations Required Under Title XI, of the Food, Conservation and Energy Act of 2008". On July 20, 2010, the Livestock, Dairy & Poultry Subcommittee of the House Committee on Agriculture conducted a hearing on Farm Bill programs under its jurisdiction administered by USDA. During the hearing

a broad array of concerns were expressed by Members of the Committee. Members asserted that the proposed rule went far beyond the scope of the Farm Bill, lacked a sound economic analysis necessary to judge both the need and utility of the proposed rule and may have been the result of a flawed rulemaking process.

On October 1, 2010, 115 Members of the House wrote the Secretary of Agriculture requesting a cost benefit analysis that has yet to be conducted. On April 6, April 13, and May 4, 2011 the Livestock, Dairy & Poultry Subcommittee conducted hearings on the beef, pork, and poultry sectors respectively. During these hearings, representatives from the beef, poultry and pork sectors testified about the challenges facing their communities, including the proposed GIPSA regulation. On May 18, 2011, 147 Members wrote the Secretary requesting him to withdraw the rule and repropose with an economic analysis.

The FY 2012 Agriculture Appropriations, H.R. 2112, contained Section 721 barring USDA work on major portions of proposed rule. The Appropriations Committee-reported appropriations for FY 2013, H.R. 5973, contains Section 719, barring USDA action on these same components of the proposed rule and repealing three items on which the Administration had completed rulemaking.

The Committee asserts that the Packers and Stockyards Act has an important role to play in our livestock markets. That said, the Committee continues to express its concerns with actions taken thus far to implement the 2008 amendments. The Committee action seeks to codify language similar to that adopted in 2011 with Section 721 of H.R. 2112 as modified by Section 719 of H.R. 5973, except that the Committee reported bill would prohibit the Secretary from issuing similar regulations or adopting similar policies in the future.

#### *Meat and Poultry Processing Report*

The Committee reported bill directs the Secretary to submit a report to Congress detailing steps that the Department can take to better meet the needs of federally and State inspected small and very small meat and poultry slaughter and processing plants, and to improve the electronic submission and approval process for labels. As it weights various options to improve public access to label approval process information, the Committee suggests the Department consider publishing a user-friendly web page that includes relevant information.

The Committee intends that in developing the report, the Secretary will include input from niche market livestock and poultry producers. The report should build upon and update, as appropriate, the 2006–2007 FSIS Strategic Implementation Plan for Strengthening Small and Very Small Plant Outreach, and should focus on assistance that can be offered to meet the requirements of the Federal Meat Inspection Act and the Poultry Products Inspection Act. In addition, the Committee intends that the Secretary will consider the needs of custom and mobile slaughter and processing plants in meeting the requirements for receiving USDA official marks of inspection.

5. *Bills Acted on by the Committee Included in the Other Laws Enacted*

None.

6. *Bills Vetoed*

None.

7. *Bills Acted on by Both Houses But Not Enacted*

*H.R. 1, Full-Year Continuing Appropriations Act, 2011*

H.R. 1 was introduced on February 11, 2011 by Representative Harold Rogers and referred to the Committee on Appropriations and in addition to the Committee on the Budget. On February 19, 2011 the bill passed the House by a recorded vote of 235 yeas to 189 nays. On February 28, 2011, the bill was received in the Senate and placed on the Legislative Calendar. On March 9, 2011 the bill not having achieved 60 votes in the affirmative, failed passage by a vote of 44 yeas to 56 nays and was returned to the Calendar, No. 14. On December 18, 2012 the bill was considered in the Senate and passed with an amendment and an amendment to the title by a vote of 62 yeas to 32 nays.

The Full-Year Continuing Appropriations Act, 2011 makes FY 2011 appropriations for the Department of Defense, with some specified items at levels reduced from FY 2010 levels. The bill makes FY 2011 appropriations for other Federal departments and agencies, with many specified programs at levels reduced from FY 2010 levels and funding for certain programs eliminated entirely.

Specifically division B of the Act appropriates FY 2011 amounts at the FY 2010 level for such continuing operations, projects, or activities as were conducted in FY 2010 and for which appropriations, funds, or other authority were made available in: (1) the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (P.L. 111–80); (2) the Energy and Water Development and Related Agencies Appropriations Act, 2010 (P.L. 111–85); (3) the Department of Homeland Security Appropriations Act, 2010 (P.L. 111–83); (4) the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of P.L. 111–88); (5) the Legislative Branch Appropriations Act, 2010 (division A of P.L. 111–68); (6) the Consolidated Appropriations Act, 2010 (P.L. 111–117); (7) chapter 1 of title I of the Supplemental Appropriations Act, 2010 (P.L. 111–212), addressing guaranteed loans in the rural housing insurance fund; and (8) the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (P.L. 111–224) for the United States Patent and Trademark Office. (Note: See also the discussion of P.L. 112–10 under “1. Bills Enacted into Law.”)

Recent action in the Senate considered amendments to extend supplemental agriculture disaster assistance programs and to ensure that Federal disaster assistance is available for the most severe disasters.

8. *Concurrent Resolutions Approved*

None.

*9. Bills Ordered Reported But Not Reported*

None.

*10. Bills Defeated*

None.

D. OVERSIGHT

The Committee on Agriculture and its Subcommittees were active in their oversight functions, holding a number of oversight hearings and activities during the first quarter of the 112th Congress. The hearings related to the application, administration, and effectiveness of laws that lie within the Committee's jurisdiction as well as the organization and operation of the Department of Agriculture and other Federal agencies having responsibility for the administration of such laws. The hearings often result in recommendations for improvements in the administration of the laws, regulations and policies in effect in the Executive Branch as they relate to the Committee's jurisdiction. Information gathered at these hearings was useful in preparing legislation for consideration in the House of Representatives.

As part of its hearings, the Committee and its Subcommittees reviewed the way the particular Federal agency or department (usually the Department of Agriculture) administered existing laws related to the subject matter of the legislation before, or to be considered by, the Committee. In some cases, legislation favorably reported to the House carries a termination date (a "sunset") to ensure that in the future Congress will again review the effectiveness and the methods with which the Executive Branch of Government has carried out the letter and the spirit of that statute.

In keeping with the objective of the Oversight Plan as submitted to the Committee on Oversight and Government Reform and House Administration, H.J. Res. 72, and Rule XI, clause 2 of the House of Representatives, the Committee and its subcommittees conducted the following chronological oversight hearings during the first quarter of the 112th Congress (Note: To see a copy of the Oversight Plan as submitted, see "I. Summary of Organization, Jurisdiction, and Oversight Plan of the Committee on Agriculture" and to see the description of H.J. Res. 72, see "3. House Resolutions Considered in the House".):

*1. Oversight Hearings*

**January 20, 2011:** *Public Forum To Review the Biotechnology Product Regulatory Approval Process.* Full Committee. Committee Print No. 112-00.

The purpose of this forum was to review the biotechnology product regulatory approval process. The forum was held prior to an expected announcement by the USDA regarding genetically engineered alfalfa. The USDA has proposed an option that would be a departure from existing policy and would partially deregulate the product and impose geographic restrictions and isolation distances. Testimony was heard from two witnesses on two panels, including Thomas Vilsack, Secretary, U.S. Department of Agriculture. (Note: See also the discussion of H.J. Res. 72 under "3. House Resolutions Considered in the House.")



**February 10, 2011:** *Hearing to review implementation of Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Part I.* Full Committee. Hearing Serial No. 112-01.

The purpose of this hearing was to review implementations of title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Many expressed concerns that the Commodity Futures Trading Commission is issuing too many rules too quickly to the detriment of adequate cost benefit analysis, deliberation and meaningful public comment. The subcommittee heard testimony from six witnesses on two panels, including Chairman Gary Gensler of the Commodity Futures trading Commission, as well as buyers and sellers of derivatives, and providers of clearing and execution platforms. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House” and the discussion of H.R. 1573 under “4. Bills Reported.”)

**February 15, 2011:** *Hearing to review the Various Definitions of Rural Applied Under Programs Operated by the U.S. Department of Agriculture.* Subcommittee on Rural Development, Research, Biotechnology and Foreign Agriculture. Hearing Serial No. 112-02.

The purpose of this hearing was to review the various definitions of rural applied under programs operated by the U.S. Department of Agriculture. The definition of rural plays a key role in targeting scarce Federal dollars to communities in need. The 2008 Farm Bill made several changes to these definitions to ensure that funds are not used in and around urban areas. The 2008 Farm Bill also directed the Secretary of Agriculture to submit a report on the various definitions of rural as used by the USDA within two years of passage of the bill. Concern was expressed because the report has not been completed. There were five witnesses on two panels, including Ms. Cheryl Cook, Deputy Under Secretary, Rural Development, U.S. Department of Agriculture. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House” and the discussion of H.R. 1573 under “4. Bills Reported.”)

**February 15, 2011:** *Hearing to review implementation of Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Part II.* Subcommittee on General Farm Commodities and Risk Management. Hearing Serial No. 112-01.

The purpose of this hearing was to review the implementation of title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act. This was part two of last weeks hearing to further review the Commodity Futures Trading Commission’s effort to write rules that will implement a new regulatory regime for the derivatives market. Topics discussed were the potential impact of the more than thirty new regulatory proposals the Commodity Futures Trading Commission has issued since September. Testimony was heard from six witnesses on a single panel. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House” and the discussion of H.R. 1573 under “4. Bills Reported.”)

**February 17, 2011:** *Hearing to review the state of the farm economy.* Full Committee. Hearing Serial No. 112-04.

The purpose of this hearing was to review the state of the farm economy. Topics discussed include the many regulatory burdens affecting the livelihoods of farmers and ranchers, economic trends in prices, input costs, and farm output. The committee heard testi-

mony from the Honorable Thomas J. Vilsack, Secretary of the U.S. Department of Agriculture.

**March 10, 2011:** *Hearing to review the impact of EPA Regulation on Agriculture.* Full Committee. Hearing Serial No. 112–05.

The purpose of this hearing was to review the impact of EPA regulations on agriculture. The committee discussed the aggressive regulatory agenda the agency is pursuing at the expense of the livelihoods of America’s farmers and ranchers. Testimony was heard from Lisa P. Jackson, Administrator, U.S. Environmental Protection Agency. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House.”)

**March 16, 2011:** *Hearing to review the Chesapeake Bay TMDL, Agricultural Conservation Practices, and Their Implications on National Watersheds.* Subcommittee on Conservation, Energy, and Forestry. Hearing Serial No. 112–06.

The purpose of this hearing was to review the Chesapeake Bay TMDL, agriculture conservation practices, and their implications on national watersheds. Topics discussed were the importance of conservation programs and their impacts on the health of the Chesapeake Bay, as well as the steps farmers have taken to preserve and protect the watershed. Many expressed concerns that the EPA is not recognizing the contributions producers have made to ensuring a healthy bay, that the EPA is not considering the economic consequences of its Chesapeake Bay cleanup program on the agricultural community, and that the EPA could use the process from this effort and eventually apply it to other watersheds across the country which would subject farmers there to heavy regulations. The subcommittee heard testimony from seven witnesses on two panels. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House.”)

**March 31, 2011:** *Defining the market: Entity and product classifications under Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act.* Full Committee. Hearing Serial No. 112–07.

The purpose of this hearing, titled “Define the Market: Entity and Product Classifications under Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act,” was to review the definitions of key terms included in Dodd-Frank, such as “swap,” “swap dealer,” and “major swap participant.” Members of the committee considered how end-users will be impacted by these definitions and regulatory designations. There were six witnesses on two panels, including the Honorable Gary Gensler, Chairman, Commodity Futures Trading Commission. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House” and the discussion of H.R. 1573 under “4. Bills Reported.”)

**April 6, 2011:** *Hearing to review the state of the beef industry.* Subcommittee on Livestock, Dairy, and Poultry. Hearing Serial No. 112–08.

The purpose of this hearing was to review the state of the beef industry. Topics discussed included the structure and economic conditions of the beef sector and a range of issues impacting the beef industry such as environmental policies, feed availability, input process, trade, and the proposed Grain Inspection, Packers and Stockyards Administration (GIPSA) rule. The subcommittee heard testimony from three witnesses on one panel.

**April 7, 2011:** *Hearing to review market promotion programs and their effectiveness on expanding exports of U.S. agricultural products.* Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture. Hearing Serial No. 112–09.

The purpose of this hearing was to review market promotion programs and their effectiveness on expanding exports of U.S. agricultural products. Topics discussed included the U.S. Department of Agriculture’s Foreign Agricultural Service which operates five market promotion programs. These programs are all designed to facilitate exports and include the Market Access Program, Foreign Market Development Program, Emerging Markets Program, Quality Samples Program, and the Technical Assistance for Specialty Crops program. Testimony was heard from six witnesses on two panels, including John Brewer, Administrator, Foreign Agricultural Service, U.S. Department of Agriculture.

**April 13, 2011:** *Implementing Dodd-Frank: A review of the CFTC’s rulemaking process.* Subcommittee on General Farm Commodities and Risk Management. Hearing Serial No. 112–10.

The purpose of this hearing was to review CFTC’s Rulemaking Process for implementing title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act. This was the third hearing in a series of hearings to review the Dodd-Frank Wall Street Reform and Consumer Protection Act. Testimony was heard from six witnesses on two panels.

**April 13, 2011:** *Hearing to review the state of the poultry industry.* Subcommittee on Livestock, Dairy, and Poultry. Hearing Serial No. 112–11.

The purpose of this hearing was to review the state of the poultry industry. The subcommittee heard testimony from a chicken grower, a chicken integrator, and a turkey grower on the structure and economic conditions of the poultry sector. Testimony from three witnesses was heard on a single panel. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House” and the discussion of H.R. 1573 under “4. Bills Reported.”)

**April 14, 2011:** *Hearing to review credit conditions in rural America.* Subcommittee on Department Operations, Oversight, and Credit. Hearing Serial No. 112–12.

The purpose of this hearing was to review credit conditions in rural America. Many expressed concern over credit being readily available through institutions that are fundamentally sound, since a number of institutions provide credit to our nations farmers, ranchers, and rural constituents. The subcommittee heard testimony from seven witnesses from two panels. Witnesses included representatives from the FSA, FCA, Farmer Mac, the Federal Reserve Bank, local banks, and the agricultural community.

**May 3, 2011:** *Joint hearing to review the costs of Federal regulatory dysfunction to American jobs, agriculture, health & species.* Committee on Agriculture and the Committee on Natural Resources. Hearing Serial No. 112–13.

The purpose of this hearing was to bring together the Agriculture and Natural Resources Committees to focus on pesticide registration consultations under section 7 of the Endangered Species Act (ESA) carried out between the Environmental Protection Agency (EPA), and either the National Marine Fisheries Service (NMFS)

of the Department of Commerce, or the Fish and Wildlife Service of the Department of the Interior (FWS).

Committee members encouraged Federal agencies to include a transparent analysis of the economic impacts to production agriculture and forestry in the scope of work of the recently requested review by the National Academies of Science (NAS) and to commit to re-initiating consultation on the first several biological opinions following completion of the review by the NAS of the scientific models and economic impacts used by the Federal agencies. The Committees heard from ten witnesses on two panels including USDA Chief Economist Dr. Joseph Glauber. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House.”)

**May 4, 2011:** *Hearing to review the state of the pork industry.* Subcommittee on Livestock, Dairy, and Poultry. Hearing Serial No. 112–14.

The purpose of this hearing was to review the state of the pork industry. The subcommittee discussed the economic and policy issues currently affecting the pork industry. These included international trade, feed availability, animal health and welfare, environmental policies, and the proposed Grain Inspection. The subcommittee heard testimony from three witnesses, including a small farrow-to-finish producer, a packer, and an owner of a large family-owned pork farming network.

**May 5, 2011:** *Hearing to review the U.S. Forest Service’s proposed forest planning rule.* Subcommittee on Conservation, Energy, and Forestry. Hearing Serial No. 112–15.

The purpose of this hearing was to review U.S. Forest Service’s proposed Forest Planning Rule. The proposed planning rule was issued on February 14, 2011 and has a public comment period open until May 16, 2011. The rule revises the Forest Service’s current planning process for its 155 national forests, 20 grasslands, and 1 prairie. Many expressed concerns that the rule is too complex, does nothing to reduce the regulatory burden on those working in the forest products industry, and does not adequately promote forestry job growth. The subcommittee heard testimony from five witnesses on two panels.

**May 12, 2011:** *Hearing to review pending free trade agreements.* Full Committee. Hearing Serial No. 112–16.

The purpose of this hearing was to review pending free trade agreements. The Committee examined pending free trade agreements between the U.S. and Colombia, Panama, and South Korea. Witnesses discussed the potential benefits of reducing tariffs under the three pending agreements and the U.S. experience with past trade agreements. The Committee heard testimony from two panels with eight witnesses, including Hon. Thomas J. Vilsack, Secretary, U.S. Department of Agriculture and Hon. Ron Kirk, United States Trade Representative.

**May 25, 2011:** *Harmonizing global derivatives reform: Impact on U.S. competitiveness and market stability* Subcommittee on General Farm Commodities and Risk Management. Hearing Serial No. 112–17.

The purpose of this hearing was to explore the need to harmonize reforms with other G20 nations, perform cost-benefit analysis, and avoid opportunities for regulatory arbitrage. The subcommittee

heard testimony from eight witnesses on two panels including two commissioners from the Commodity Futures Trading Commission.

**June 2, 2011:** *Hearing to review recent investigations and audits conducted by the USDA Inspector General.* Subcommittee on Department Operations, Oversight, and Credit. Hearing Serial No. 112–18.

The purpose of this hearing was to review the work of the USDA Office of the Inspector General. Members of the subcommittee discussed Supplemental Nutrition Assistance Program misuse, the Natural Resources Conservation Service audit, minority programs investigations, Biomass Crop Assistance Program implementation oversight, and USDA information technology improvement progress. Members heard testimony from a single panel of one witness, The Honorable Phyllis K. Fong, who was accompanied by three other OIG staff members. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House.”)

**June 23, 2011:** *Hearing to review the opportunities and benefits of agricultural biotechnology.* Subcommittee on Rural Development, Research, Biotechnology and Foreign Agriculture. Hearing Serial No. 112–19.

The purpose of this hearing was to explore the current issues and trends in biotechnology research, results, and regulation. Members of the Subcommittee discussed the use of science-based agriculture in relation to food security, reduced chemicals use, and global development. The costs of deregulation and the use of Environmental Impact Statements were also discussed. The subcommittee heard testimony from three witnesses on one panel.

**June 24, 2011:** *Agricultural Program Audit: Examination of the Federal Crop Insurance Program.* Subcommittee on General Farm Commodities and Risk Management. Hearing Serial No. 112–20.

The purpose of this hearing was to audit the Federal Crop Insurance Program as overseen by the Risk Management Agency in preparation for future Farm Bill reauthorization. Subcommittee members discussed the status of the Standard Reinsurance Agreement, maintaining public-private policy liability partnerships, available products for dairy and livestock, service gaps, and effects of severe weather in 2011. Data sharing and mining to streamline services and prevent fraud were also discussed. The Subcommittee heard testimony from one witness, the Administrator of the Risk Management Agency. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House.”)

**July 7, 2011:** *Agricultural Program Audit: Examination of Conservation Programs.* Subcommittee on Conservation, Energy, and Forestry. Hearing Serial No. 112–20.

The purpose of this hearing was to audit the currently-implemented conservation programs as overseen by the USDA Farm Service Agency and Natural Resource Conservation Service in preparation for future Farm Bill reauthorization. Subcommittee members talked about the distinct roles and levels of effectiveness of the more than 20 existing conservation programs. Ways to streamline and prioritize program outcomes were also discussed. The Subcommittee heard testimony from two witnesses, the Administrator of the Farm Service Agency and the Chief of the Natural Resources Conservation Service, on one panel. (Note: See also

the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House.”)

**July 7, 2011:** *Agricultural Program Audit: Examination of Specialty Crop Programs.* Subcommittee on Nutrition and Horticulture. Hearing Serial No. 112–20.

The purpose of this hearing was to audit the specialty crop programs, including those for horticulture and organic agriculture found in Title X of the 2008 Farm Bill and in Section 32 of the Agricultural Adjustment Act of 1935, in preparation for future farm bill reauthorization. Subcommittee members talked about the need to support specialty crops such as fruits, vegetables, tree nuts, dried fruits, and horticulture and nursery crops, including floriculture through targeted nutrition, conservation, research, crop insurance, disaster assistance, and trade promotion programs. The Subcommittee heard testimony from two witnesses on one panel including the Administrator of the Agricultural Marketing Service. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House.”)

**July 8, 2011:** *Joint hearing to examine the challenges facing Domestic Oil and Gas Development and review the Bureau of Land Management/U.S. Forest Service Ban on Horizontal Drilling on Federal Lands.* Subcommittee on Conservation, Energy, and Forestry with the Subcommittee on Energy and Mineral Resources of the Committee on Natural Resources. Hearing Serial No. 112–21.

The purpose of this hearing was to explore the reasoning and implications of a potential ban on horizontal drilling and fracking in the George Washington National Forest. Subcommittee Members discussed potential economic and environmental concerns related to drilling and potential administrative bans. The subcommittees heard testimony from eight witnesses on two panels.

**July 13, 2011:** *Agricultural Program Audit: Examination of Foreign Agriculture and Food Aid Programs.* Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture. Hearing Serial No. 112–20.

The purpose of this hearing was to review the efficiency and effectiveness of foreign agriculture and food aid programs as administered by the United States Agency for International Development and the United States Department of Agriculture through the Foreign Agricultural Service before writing a new farm bill. Subcommittee Members discussed the impacts of existing market development and trade programs as well as the need for and budget implications of foreign food assistance programs. The Subcommittee heard testimony from two witnesses on one panel, the acting Administrator of the Foreign Agriculture Service (USDA) and the Assistant Administrator for the Bureau for Democracy, Conflict, and Humanitarian Assistance (USAID). (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House.”)

**July 14, 2011:** *Agricultural Program Audit: Examination of USDA Farm Loan Programs.* Subcommittee on Department Operations, Oversight, and Credit. Hearing Serial No. 112–20.

The purpose of this audit hearing was to examine USDA Farm Loan programs before future farm bill reauthorization. Subcommittee Members discussed credit availability and urban program eligibility as well as the need to transition borrowers to com-

mercial lenders when possible. The Subcommittee heard testimony from one witness, the Administrator of the Farm Service Agency. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House.”)

**July 20, 2011:** *Agricultural Program Audit: Examination of USDA Energy and Forestry Programs.* Subcommittee on Conservation, Energy, and Forestry. Hearing Serial No. 112–20.

The purpose of this hearing was to review current energy and forestry programs as administered by the USDA in preparation for writing a new farm bill. Members of the Subcommittee discussed technical innovation and industry growth as well as current project-area implementations. Subcommittee Members also questioned the panel on the programs’ relationship to agriculture and their current relevance to the general public. The Subcommittee heard testimony from three witnesses on one panel: the Chief of the U.S. Forest Service, the Administrator of the Rural Business-Cooperative Service, and the Deputy Administrator of the Farm Service Agency. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House.”)

**July 21, 2011:** *Agricultural Program Audit: Examination of Title IV Nutrition Programs.* Subcommittee on Nutrition and Horticulture. Hearing Serial No. 112–20.

The purpose of this audit hearing was to evaluate the Title IV nutrition assistance programs of the Food, Conservation, and Energy Act of 2008 as administered by the USDA’s Food and Nutrition Service. Subcommittee Members discussed Supplemental Nutrition Assistance Program enrollment, categorical eligibility, improper payments, benefits trafficking, program overlaps, and state accountability. Question topics also included healthy food availability, farmers’ markets eligibility, and Pacific Islands aid requirements. Testimony was given by the Administrator of the Food and Nutrition Service. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House.”)

**July 21, 2011:** *Derivatives reform: The View from Main Street.* Full Committee. Hearing Serial No. 112–22.

The purpose of this hearing was to review the impact of derivatives reform on end-users and small financial institutions and to examine implementation progress of Title VII of the Dodd-Frank Act. Committee Members discussed the definition of “swaps dealer” as well as the derivatives title implementation responsibility for regulators outside of the Commodity Futures Trading Commission. Proposed regulations and the current rule-making timeline were also discussed. The Committee heard testimony from seven witnesses on two panels including The Honorable Gary Gensler, Chairman of the Commodity Futures Trading Commission.

**July 27, 2011:** *Agricultural Program Audit: Examination of Title I and the SURE Program.* Subcommittee on General Farm Commodities and Risk Management. Hearing Serial No. 112–20.

The purpose of this audit hearing was to review the effectiveness of the Title I programs of the Food, Conservation, and Energy Act of 2008 including the Supplemental Revenue Assistance Payments (SURE) program and Average Crop Revenue Election (ACRE). Subcommittee Members discussed the advantages and disadvantages of crop insurance, direct payments, countercyclical payments, and the marketing loan assistance program in preparation for likely

cuts mandated before the writing of the next farm bill. The Subcommittee heard testimony from the Administrator of the Farm Service Agency. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House.”)

**July 28, 2011:** *Agricultural Program Audit: Examination of USDA Research Programs.* Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture. Hearing Serial No. 112–20.

The purpose of this audit hearing was to provide Subcommittee Members a better understanding of the Research, Education, and Economics division of the USDA which is divided into four specialized branches: Agriculture Research Service (ARS), Economic Research Service (ERS), National Agricultural Statistics Service (NASS), and the National Institute of Food and Agriculture (NIFA). Specific research areas and monetary costs of each branch were discussed in preparation for the writing of the next farm bill. The Subcommittee heard testimony from the Administrator of ARS, Acting Director of NIFA, Administrator of NASS, and Acting Administrator of ERS. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House.”)

**September 8, 2011:** *Agricultural Program Audit: Examination of USDA Dairy Programs.* Subcommittee on Livestock, Dairy, and Poultry. Hearing Serial No. 112–20.

The purpose of this audit hearing was to examine the effectiveness of USDA’s dairy support programs including the Dairy Product Price Support Program (DPPSP), Milk Income Loss Contract Program (MILC), Dairy Export Incentive Program (DEIP), Livestock Gross Margin Insurance for Dairy (LGM-Dairy), and Federal Milk Marketing Orders (FMMOs). The Subcommittee Members discussed the dairy crisis of 2009 and ways to prevent such issues in the future. Testimony was heard from the Acting Deputy Administrator of the Farm Service Agency, and the Deputy Administrator for Dairy Programs through the Agricultural Marketing Service. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House.”)

**September 13, 2011:** *Agricultural Program Audit: Examination of USDA Rural Development Programs.* Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture. Hearing Serial No. 112–20.

The purpose of this audit hearing was to review the effectiveness of programs administered by USDA’s Rural Development Agency including the Rural Business-Cooperative Service (RBS), Rural Housing Service (RHS), and the Rural Utilities Service (RUS). Subcommittee Members discussed ways to streamline and improve these programs in preparation for the upcoming farm bill. Testimony was provided by the Administrator for Rural Utilities Service, Administrator for Rural Business-Cooperative Services, and Administrator for Rural Housing Services. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House.”)

**September 14, 2011:** *Examination of the issue of feed availability and its effect on the livestock and poultry industries.* Subcommittee on Livestock, Dairy, and Poultry. Hearing Serial No. 112–23.



The purpose of this hearing was to provide Members a better understanding of the causes and effects of the nation's currently tight feed supply. Subcommittee Members heard testimony from a panel of six witnesses representing all sectors of the animal agriculture industry. Ethanol and its effect on corn prices and supplies was one of the main topics of debate. All witnesses agreed that feed availability was a top concern that significantly impacted their respective operations.

**September 24, 2011:** *Public field hearing to review the role of broadband access in rural economic development.* Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture. Hearing Serial No. 112–24.

The purpose of this public field hearing was to provide Members a better understanding of the benefits of broadband access in rural areas. Subcommittee Members discussed ways of streamlining current programs in efforts to connect rural America to the global economy. The Subcommittee heard testimony from one panel comprised of five witnesses representing various companies with vested interests in the progression of broadband access in their respective regions.

**October 12, 2011:** *Hearing to review legislative proposals amending Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act.* Full Committee. Hearing Serial No. 112–25.

The purpose of this hearing was to discuss the pros and cons of seven different legislative proposals to amend Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act: four bills already before the House and three discussion drafts. The Members heard testimony from a panel of six witnesses representing a variety of market participation who voiced concerns that the Commodity Futures Trading Commission (CFTC) is overreaching in its rulemaking and will have a negative impact on business and the economy if current legislation is not amended. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House.”)

**November 3, 2011:** *Hearing to review implementation of Phase II of the Chesapeake Bay TMDL Watershed Implementation Plans and their impacts on rural communities.* Subcommittee on Conservation Energy and Forestry. Hearing Serial No. 112–26.

The purpose of this hearing was to discuss concerns regarding the cost and regulatory burden surrounding cities and states are faced with in the second stage of a three-part process to limit discharge into the Chesapeake Bay. Members heard testimony from the Region 3 EPA Administrator on the first panel of witnesses, and from four additional witnesses on the second panel. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House.”)

**December 1, 2011:** *Hearing to review updates on USDA Inspector General audits, including SNAP fraud detection efforts and IT compliance.* Subcommittee on Department Operations, Oversight, and Credit. Hearing Serial No. 112–27.

The purpose of this hearing was to discuss the progress of reports from the USDA Office of the Inspector General on Supplemental Nutrition Assistance Program (SNAP) fraud detection and USDA's use of additional funding for information technology to improve program delivery. Members of the Subcommittee heard testi-

mony from the USDA Inspector General and questioned her and two of her assistant Inspectors General regarding four recently released reports. Members emphasized the necessity of timely and accurate reports from the Inspector General in order to help them make sound policy decisions. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House.”)

**February 29, 2012:** *The Commodity Futures Trading Commission 2012 Agenda*. Full Committee. Hearing Serial No. 112–29.

The purpose of this hearing was to review the 2012 agenda of the Commodity Futures Trading Commission including the agency’s investigations of the collapse of MF Global and announcement of rules regarding the Dodd-Frank Wall Street Reform and Consumer Protection Act. Members of the Committee questioned the strength of customer protections as well as the status of the rulemaking process. Despite 28 finalized rules, more than 20 rules related to the Dodd-Frank Act remain unfinalized by the CFTC. Vague definitions included in the finalized rules for terms such as “swap,” “swap dealer,” and “major swap participant,” have caused participants trouble in comprehending the rules’ influence. Testimony was heard from the Chairman of the Commodity Futures Trading Commission, The Honorable Gary Gensler. (Note: See also the discussion of H.R. 2682, H.R. 2779, and H.R. 3336 under “2. Bills Acted on by the House but not the Senate” and the discussion of H.R. 1838, H.R. 1840, H.R. 2586, H.R. 3283, H.R. 3527, and H.R. 4235 under “4. Bills Reported.”)

**March 09, 2012:** *The Future of U.S. Farm Policy: Formulation of the 2012 Farm Bill*—Field Hearing—Saranac Lake, NY. Full Committee. Hearing Serial No. 112–30, Pt. 1.

The purpose of this hearing was to gather insight from producers in the northeastern portion of the United States in regards to what policies they felt should be included in the 2012 Farm Bill. Policies impacting specialty crops and major agricultural industries in New York were of top concern amongst the eight witnesses who testified on two panels. This hearing marked the first in a series of field hearings targeted at gathering information from farmers and ranchers across the nation in an effort to develop a comprehensive package of reforms that are financially responsible and balanced in their approach to meeting the needs of a wide array of producers in a variety of regions.

**March 21, 2012:** *Hearing to Identify Duplicative Federal Rural Development Programs*. Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture. Hearing Serial No. 112–31.

The purpose of this hearing was to discuss the need to streamline duplicative programs and improve agency coordination through the USDA and other agricultural related government entities. Two witnesses testified before the subcommittee discussing government accountability office findings and the increased need for government efficiency. A key topic of discussion was how modernization and efficiency can further serve rural communities.

**March 23, 2012:** *The Future of U.S. Farm Policy: Formulation of the 2012 Farm Bill*—Field Hearing—Galesburg, IL. Full Committee. Hearing Serial No. 112–30, Pt. 1.

The purpose of this hearing was to continue gathering producer input on recommended farm policy changes in advance of the 2012

Farm Bill. Members of the Committee heard testimony from 10 witnesses divided amongst two panels. The witnesses represented the views of corn, rice, soybean, wheat, sorghum, specialty crop and beef producers throughout the Midwest. They expressed the need for an effective safety net and a choice of risk management tools in order to continue producing a safe, affordable and stable food supply.

**March 27, 2012:** *Hearing to review the U.S. Forest Service Land Management: Challenges and Opportunities.* Subcommittee on Conservation, Energy, and Forestry. Hearing Serial No. 112–32.

The purpose of this hearing was to review multiple areas of forest management and discuss job creation in rural forested areas. Five witnesses testified regarding the Forest Service and work regarding conservation, maintenance and recreation. The public hearing covered topics including forest health, wildlife management, and invasive species.

**March 30, 2012:** *The Future of U.S. Farm Policy: Formulation of the 2012 Farm Bill*—Field Hearing—State University, AR. Full Committee. Hearing Serial No. 112–30, Pt.1.

The purpose of this hearing was to continue gaining producer insight in advance of the 2012 Farm Bill. Committee members heard testimony from 10 witnesses divided amongst two panels, including producers of aquaculture, beef and multiple commodities, including rice and cotton, from the southeast region of the United States. The producers discussed the hardships they face, such as catastrophic weather, and the importance of maintaining an adequate safety net, especially during difficult economic conditions.

**April 20, 2012:** *The Future of U.S. Farm Policy: Formulation of the 2012 Farm Bill*—Field Hearing—Dodge City, KS. Full Committee. Hearing Serial No. 112–30, Pt. 1.

The purpose of this hearing was to continue gaining producer insight regarding recommended farm policy changes in advance of the 2012 Farm Bill. Members of the Committee heard testimony from 10 witnesses divided amongst two panels representing commodity and beef producers. They testified about the importance of effective risk management opportunities in the upcoming 2012 Farm Bill.

**April 25, 2012:** *Formulation of the 2012 Farm Bill: Rural Development Programs.* Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture. Hearing Serial No. 112–30, Pt. 2.

The purpose of this hearing was to discuss the effectiveness of existing programs and potential changes in rural development programs for the 2012 Farm Bill. Subcommittee members heard testimony from two public panels comprised of seven total witnesses representing rural development entities across the United States. They provided feedback on the programs administered by USDA's Rural Development agency, including the Rural Business and Cooperative Service (RBS), the Rural Housing Service (RHS), and the Rural Utilities Service (RUS). Witnesses testified that continued investments in water, energy and broadband infrastructure are vital for economic development in rural communities.

**April 26, 2012:** *Formulation of the 2012 Farm Bill: Conservation Programs.* Subcommittee on Conservation, Energy, and Forestry. Hearing Serial No. 112–30, Pt. 2.

The purpose of this hearing was to discuss the effectiveness of current programs and potential changes in conservation programs for the 2012 Farm Bill. The Subcommittee heard testimony from ten witnesses divided amongst two panels representing conservationists and agricultural producers from around the United States. They acknowledged the difficult circumstances for reauthorizing budget provisions of Farm Bill programs, but reiterated the importance of conservation programs to assist producers with voluntary conservation initiatives.

**April 26, 2012:** *Formulation of the 2012 Farm Bill: Dairy Programs.* Subcommittee on Livestock, Dairy, and Poultry. Hearing Serial No. 112–30, Pt. 2.

The purpose of this hearing was to discuss the effectiveness of current programs and potential changes to dairy programs for the upcoming 2012 Farm Bill. The Subcommittee heard testimony from five witnesses representing dairy organizations from across the United States. They testified about existing problems with dairy policy and provided feedback on possible Farm Bill changes to address those issues.

**May 8, 2012:** *Formulation of the 2012 Farm Bill: Specialty Crop and Nutrition Programs.* Subcommittee on Nutrition and Horticulture. Hearing Serial No. 112–30, Pt. 2.

The purpose of this hearing was to discuss the effectiveness of current programs and potential changes to specialty crop and nutrition programs in the 2012 Farm Bill. The Subcommittee heard testimony from two public panels comprised of nine total witnesses. The first panel included representatives of the specialty crop community and explained how government programs enhance the competitiveness of specialty crop promotion. The second panel discussed nutrition programs under the Subcommittee's jurisdiction, such as the Supplemental Nutrition Assistance Program (SNAP), which all together, account for almost 80 percent of Farm Bill spending.

**May 10, 2012:** *Formulation of the 2012 Farm Bill: Credit Programs.* Subcommittee on Department Operations, Oversight, and Credit. Hearing Serial No. 112–30, Pt. 2.

The purpose of this hearing was to discuss the effectiveness of current programs and potential changes to credit programs in the 2012 Farm Bill. The Subcommittee heard testimony from five witnesses regarding the impact of credit on agricultural producers and their operations. They explained the importance of both initial and sustained support because of the inherent risks of production agriculture and discussed the role commercial lenders play in rural economic growth.

**May 16–17, 2012:** *Hearing to review the Formulation of 2012 Farm Bill: Commodity Programs and Crop Insurance.* Subcommittee on General Farm Commodities and Risk Management. Hearing Serial No. 112–30, Pt. 2.

The purpose of this hearing was to explore the agricultural safety net created through Title I programs and crop insurance. Members heard from four public panels comprised of 18 total witnesses who included economists and leaders from various commodity and agricultural groups highlighting the diversity of agriculture across the country. Witnesses described how programs are working under current law and how reforms can be made while stressing the need for

a fair and effective safety net and a strong crop insurance program which ultimately ensure that consumers have a stable food and fiber supply.

**May 18, 2012:** *Hearing to review the Formation of 2012 Farm Bill: Energy and Forestry Programs.* Subcommittee on Conservation, Energy, and Forestry. Hearing Serial No. 112–30, Pt. 2

The purpose of this hearing was to allow subcommittee members and public witnesses share policy goals for the upcoming Farm Bill related to energy and forestry programs. Two panels of five members testified before the subcommittee about their industry experiences in energy and forestry. Testimony centered on the energy titles of the past two Farm Bills and potential changes for the 2012 version. The energy and forestry budget, biomass programs and rural energy were prominent topics of discussion as was the need to develop forestry provisions that promote healthier and better managed Federal, state, and private forests.

**May 16–17, 2012:** *Hearing to review the Formulation of 2012 Farm Bill: Commodity Programs and Crop Insurance.* Subcommittee on General Farm Commodities and Risk Management. Hearing Serial No. 112–30, Pt. 2.

The purpose of this hearing was to explore the agricultural safety net created through Title I programs and crop insurance. Members heard from four public panels comprised of 18 total witnesses who included economists and leaders from various commodity and agricultural groups highlighting the diversity of agriculture across the country. Witnesses described how programs are working under current law and how reforms can be made while stressing the need for a fair and effective safety net and a strong crop insurance program which ultimately ensure that consumers have a stable food and fiber supply.

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**July 25, 2012:** *Hearing to review Oversight of the Swaps and Futures Markets: Recent Events and Impending Regulatory Reforms.* Full Committee on Agriculture. Hearing Serial No. 112–34.

The purpose of this hearing was to discuss the collapse of Peregrine Financial Group, Inc., the LIBOR manipulation, and receive an update from CFTC on MF Global and Dodd-Frank implementation. PFGBest filed for bankruptcy shortly after regulators froze their operations through emergency enforcement actions. More than \$200 million in customer funds were missing at the time of the hearing. Testimony was heard from the Honorable Gary Gensler, Chairman of the U.S. Commodity Futures Trading Commission and an additional six panelists from the financial industry.

**December 13, 2012:** *Hearing to review Dodd-Frank Derivatives Reform: Challenges Facing U.S. and International Markets.* Subcommittee on General Farm Commodities and Risk Management. Hearing Serial No. 112–35.

The purpose of this hearing was to examine the challenges facing the United States and international regulators as they attempt to balance various derivatives reforms across a global marketplace. Appearing for the first time before a Congressional committee, regulators from the European Union and Japan cautioned that U.S. markets were at risk if due care was not taken to complement regulatory structures across foreign jurisdictions. Testimony was also heard from The Honorable Jill Sommers and The Honorable Bart Chilton, commissioners of the U.S. Commodity Futures Trading Commission.

## 2. Legislative Hearings

**February 16, 2011:** *Joint Hearing To Consider Reducing the Regulatory Burdens Posed by the Case, **National Cotton Council v. EPA** (6th Cir. 2009) and To Review Related Draft Legislation.* Subcommittee on Nutrition and Horticulture of the Committee on Agriculture and Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure. Hearing Serial No. 112–03.

The purpose of this hearing was to consider reducing the regulatory burdens posed by the case *National Cotton Council v. EPA* (6th Cir. 2009) and to review related draft legislation. Members of the subcommittee considered draft legislation targeted at addressing the 6th Circuit Court ruling under which, pesticide users would have to obtain a duplicate permit under the Clean Water Act for the use of pesticides. Pesticides are used by farmers, ranchers, forest managers, mosquito control districts, water districts, and others and pesticide applications are highly regulated under the Federal Insecticide, Fungicide, Rodenticide Act. Testimony was heard from five witnesses on two panels. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House” and the discussion of the H.R. 872 under “2. Bills Acted on by the House But Not the Senate.”)

**March 28, 2012:** *Hearing to review H.R. 3283, H.R. 1838, and H.R. 4235.* Subcommittee on General Farm Commodities and Risk Management. Hearing Serial No. 112–33.

The purpose of this hearing was to consider three bills intended to mitigate unintended consequences from Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act and to make clarifications of requirements for trading outside of the United States. A panel of four testified to the subcommittee regarding the possible impact of these pieces of legislation.

H.R. 3283, the Swap Jurisdiction Act, would limit the extraterritorial scope of Title VII by defining key terms. H.R. 1838 would modify Dodd-Frank to limit risk and costs to producers. H.R. 4235, the Swap Data Repository & Clearinghouse Indemnification Correction Act of 2012, removes provisions from Dodd-Frank to increase market transparency and monitor for risk. (Note: See also the discussion of H.R. 2682, H.R. 2779, and H.R. 3336 under “2. Bills Acted on by the House but not the Senate” and the discussion

of H.R. 1838, H.R. 1840, H.R. 2586, H.R. 3283, H.R. 3527, and H.R. 4235 under “4. Bills Reported.”)

### 3. Investigative Hearings

**December 8, 2011:** *Examination of the MF Global bankruptcy.* Full Committee. Hearing Serial No. 112–28.

The purpose of this hearing was to discuss the details and implications of the MF Global bankruptcy and reports of as much as \$1.2 billion in missing customer funds. Members of the Committee heard testimony from nine witnesses divided amongst three panels—one of which was a single-witness panel comprised of the Honorable Jon S. Corzine, former CEO of MF Global. The hearing marked the first public comments about the circumstances surrounding the bankruptcy from Mr. Corzine.

#### E. PRINTED HEARINGS

- 112–1 HEARING TO REVIEW IMPLEMENTATION OF TITLE VII OF THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT Part I—Full Committee, February 10, 2011. Part II—Subcommittee on General Farm Commodities and Risk Management, February 15, 2011.
- 112–2 HEARING TO REVIEW THE VARIOUS DEFINITIONS OF RURAL APPLIED UNDER PROGRAMS OPERATED BY THE U.S. DEPARTMENT OF AGRICULTURE. Subcommittee on Rural Development, Research, Biotechnology and Foreign Agriculture. February 15, 2011.
- 112–3 HEARING TO CONSIDER REDUCING THE REGULATORY BURDENS POSED BY THE CASE, *NATIONAL COTTON COUNCIL V. EPA* (6TH CIR. 2009) AND TO REVIEW RELATED DRAFT LEGISLATION. Joint Hearing—Subcommittee on Nutrition and Horticulture, Committee on Agriculture and the Subcommittee on Water Resources and Environment, Committee on Transportation and Infrastructure. February 16, 2011.
- 112–4 HEARING TO REVIEW THE STATE OF THE FARM ECONOMY. Full Committee. February 17, 2011.
- 112–5 HEARING TO REVIEW THE IMPACT OF EPA REGULATION ON AGRICULTURE. Full Committee. March 10, 2011.
- 112–6 HEARING TO REVIEW THE CHESAPEAKE BAY TMDL, AGRICULTURAL CONSERVATION PRACTICES, AND THEIR IMPLICATIONS ON NATIONAL WATERSHEDS. Subcommittee on Conservation, Energy, and Forestry. March 16, 2011.
- 112–7 DEFINING THE MARKET: ENTITY AND PRODUCT CLASSIFICATIONS UNDER TITLE VII OF THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT. Full Committee, March 31, 2011.
- 112–8 HEARING TO REVIEW THE STATE OF THE BEEF INDUSTRY. Subcommittee on Livestock, Dairy, and Poultry. April 6, 2011.

- 112-9 HEARING TO REVIEW MARKET PROMOTION PROGRAMS AND THEIR EFFECTIVENESS ON EXPANDING EXPORTS OF U.S. AGRICULTURAL PRODUCTS. Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture. April 7, 2011.
- 112-10 IMPLEMENTING DODD-FRANK: A REVIEW OF THE CFTC'S RULEMAKING PROCESS. Subcommittee on General Farm Commodities and Risk Management. April 13, 2011.
- 112-11 HEARING TO REVIEW THE STATE OF THE POULTRY INDUSTRY. Subcommittee on Livestock, Dairy, and Poultry. April 13, 2011.
- 112-12 HEARING TO REVIEW CREDIT CONDITIONS IN RURAL AMERICA. Subcommittee on Department Operations, Oversight, and Credit. April 14, 2011.
- 112-13 AT RISK: AMERICAN JOBS, AGRICULTURE, HEALTH AND SPECIES—THE COSTS OF FEDERAL REGULATORY DYSFUNCTION. Joint Hearing—Committee on Natural Resources and the Committee on Agriculture. May 3, 2011.
- 112-14 HEARING TO REVIEW THE STATE OF THE PORK INDUSTRY. Subcommittee on Livestock, Dairy, and Poultry. May 4, 2011.
- 112-15 HEARING TO REVIEW THE U.S. FOREST SERVICE'S PROPOSED FOREST PLANNING RULE. Subcommittee on Conservation, Energy, and Forestry. May 5, 2011.
- 112-16 HEARING TO REVIEW PENDING FREE TRADE AGREEMENTS. Full Committee. May 12, 2011.
- 112-17 HARMONIZING GLOBAL DERIVATIVES REFORM: IMPACT ON U.S. COMPETITIVENESS AND MARKET STABILITY. Subcommittee on General Farm Commodities and Risk Management. May 25, 2011.
- 112-18 HEARING TO REVIEW RECENT INVESTIGATIONS AND AUDITS CONDUCTED BY THE USDA INSPECTOR GENERAL. Subcommittee on Department Operations, Oversight, and Credit. June 2, 2011.
- 112-19 HEARING TO REVIEW THE OPPORTUNITIES AND BENEFITS OF AGRICULTURAL BIOTECHNOLOGY. Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture. June 23, 2011.
- 112-20 AGRICULTURAL PROGRAM AUDIT: EXAMINATION OF THE FEDERAL CROP INSURANCE PROGRAM, Part I. Subcommittee on General Farm Commodities and Risk Management. June 24, 2011.
- 112-20 AGRICULTURAL PROGRAM AUDIT: EXAMINATION OF CONSERVATION PROGRAMS, Part II. Subcommittee on Conservation, Energy, and Forestry. July 7, 2011.
- 112-20 AGRICULTURAL PROGRAM AUDIT: EXAMINATION OF SPECIALTY CROP PROGRAMS, Part III. Subcommittee on Nutrition and Horticulture. July 7, 2011.



- 112–20 AGRICULTURAL PROGRAM AUDIT: EXAMINATION OF FOREIGN AGRICULTURE AND FOOD AID PROGRAMS, Part IV. Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture. July 13, 2011.
- 112–20 AGRICULTURAL PROGRAM AUDIT: EXAMINATION OF USDA FARM LOAN PROGRAMS, Part V. Subcommittee on Department Operations, Oversight, and Credit. July 14, 2011.
- 112–20 AGRICULTURAL PROGRAM AUDIT: EXAMINATION OF USDA ENERGY AND FORESTRY PROGRAMS, Part VI. Subcommittee on Conservation, Energy, and Forestry. July 20, 2011.
- 112–20 AGRICULTURAL PROGRAM AUDIT: EXAMINATION OF TITLE IV NUTRITION PROGRAMS, Part VII. Subcommittee on Nutrition and Horticulture. July 21, 2011.
- 112–20 AGRICULTURAL PROGRAM AUDIT: EXAMINATION OF TITLE I AND THE SURE PROGRAM, Part VIII. Subcommittee on General Farm Commodities and Risk Management. July 27, 2011.
- 112–20 AGRICULTURAL PROGRAM AUDIT: EXAMINATION OF USDA RESEARCH PROGRAMS, Part IX. Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture. July 28, 2011.
- 112–20 AGRICULTURAL PROGRAM AUDIT: EXAMINATION OF USDA DAIRY PROGRAMS, Part X, Subcommittee on Livestock, Dairy, and Poultry, September 8, 2011.
- 112–20 AGRICULTURAL PROGRAM AUDIT: EXAMINATION OF USDA RURAL DEVELOPMENT PROGRAMS, Part XI, Subcommittee on Rural Development, Biotechnology, and Foreign Agriculture. September 13, 2011.
- 112–21 CHALLENGES FACING DOMESTIC OIL AND GAS DEVELOPMENT: REVIEW OF BUREAU OF LAND MANAGEMENT/U.S. FOREST SERVICE BAN ON HORIZONTAL DRILLING ON FEDERAL LANDS. Joint Hearing—Subcommittee on Conservation, Energy, and Forestry, Committee on Agriculture and the Subcommittee on Energy and Mineral Resources, Committee on Natural Resources. July 8, 2011.
- 112–22 DERIVATIVES REFORM: THE VIEW FROM MAIN STREET. Full Committee, July 21, 2011.
- 112–23 HEARING TO EXAMINE THE ISSUE OF FEED AVAILABILITY AND ITS EFFECT ON THE LIVESTOCK AND POULTRY INDUSTRIES. Subcommittee on Livestock, Dairy, and Poultry. September 14, 2011.
- 112–24 HEARING TO REVIEW THE ROLE OF BROADBAND ACCESS IN RURAL ECONOMIC DEVELOPMENT. Public Field Hearing—Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture. (Springfield, IL) September 24, 2011.

- 112–25 HEARING TO REVIEW LEGISLATIVE PROPOSALS AMENDING TITLE VII OF THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT. Full Committee. October 12, 2011.
- 112–26 HEARING TO REVIEW THE IMPLEMENTATION OF PHASE II OF THE CHESAPEAKE BAY TMDL WATERSHED IMPLEMENTATION PLANS AND THEIR IMPACTS ON RURAL COMMUNITIES. Subcommittee on Conservation, Energy, and Forestry. November 3, 2011.
- 112–27 HEARING TO REVIEW UPDATES ON USDA INSPECTOR GENERAL AUDITS, INCLUDING SNAP FRAUD DETECTION EFFORTS AND IT COMPLIANCE. Subcommittee on Department Operations, Oversight, and Credit. December 1, 2011.
- 112–28 HEARING TO EXAMINE THE MF GLOBAL BANKRUPTCY. Full Committee. December 1, 2011.
- 112–29 THE COMMODITY FUTURES TRADING COMMISSION 2012 AGENDA. Full Committee. February 29, 2012.
- 112–30, THE FUTURE OF U.S. FARM POLICY: FORMULATION OF  
Pt. 1 THE 2012 FARM BILL. Full Committee. March 9, 2012 (Saranac Lake, NY), March 23, 2012 (Galesburg, IL), March 30, 2012 (State University, AR), April 20, 2012 (Dodge City, KS).
- 112–30, FORMULATION OF THE 2012 FARM BILL: RURAL DEVELOP-  
Pt. 2 MENT PROGRAMS. Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture. April 25, 2012.
- 112–30, FORMULATION OF THE 2012 FARM BILL: CONSERVATION  
Pt. 2 PROGRAMS. Subcommittee on Conservation, Energy, and Forestry. April 26, 2012.
- 112–30, FORMULATION OF THE 2012 FARM BILL: DAIRY PROGRAMS.  
Pt. 2 Subcommittee on Livestock, Dairy, and Poultry. April 26, 2012.
- 112–30, FORMULATION OF THE 2012 FARM BILL: SPECIALTY CROP  
Pt. 2 AND NUTRITION PROGRAMS. Subcommittee on Nutrition and Horticulture. May 8, 2012.
- 112–30, FORMULATION OF THE 2012 FARM BILL: CREDIT PRO-  
Pt. 2 GRAMS. Subcommittee on Department Operations, Oversight, and Credit. May 10, 2012.
- 112–30, FORMULATION OF THE 2012 FARM BILL: COMMODITY PRO-  
Pt. 2 GRAMS AND CROP INSURANCE. Subcommittee on General Farm Commodities and Risk Management. May 16 and May 17, 2012.
- 112–30, FORMULATION OF THE 2012 FARM BILL: ENERGY AND FOR-  
Pt. 2 ESTRY PROGRAMS. Subcommittee on Conservation, Energy, and Forestry. May 18, 2012.
- 112–31 HEARING TO IDENTIFY DUPLICATIVE FEDERAL RURAL DEVELOPMENT PROGRAMS. Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture. March 21, 2012.

- 112-32 U.S. FOREST SERVICE LAND MANAGEMENT: CHALLENGES AND OPPORTUNITIES. Subcommittee on Conservation, Energy, and Forestry. March 27, 2012.
- 112-33 HEARING TO REVIEW H.R. 3283, H.R. 1838, AND H.R. 4235. Subcommittee on General Farm Commodities and Risk Management. March 28, 2012.
- 112-34 OVERSIGHT OF THE SWAPS AND FUTURES MARKETS: RECENT EVENTS AND IMPENDING REGULATORY REFORMS. Full Committee. July 25, 2012.
- 112-35 DODD-FRANK DERIVATIVES REFORM: CHALLENGES FACING U.S. AND INTERNATIONAL MARKETS. Subcommittee on General Farm Commodities and Risk Management. December 13, 2012.

#### F. MEETINGS NOT PRINTED

January 25, 2011—Full Committee open business meeting. Organizational meeting for the 112th Congress. Approval by voice vote of the Committee Rules.

February 10, 2011—Full Committee open business meeting. Approval by voice vote of the Oversight Plan for the 112th Congress.

March 9, 2011—Full Committee open business meeting. Approval by voice vote of H.R. 872, the Reducing Regulatory Burdens Act of 2011.

March 15, 2011—Full Committee open business meeting. Approval by voice vote of the Budget Views and Estimates Letter for FY 2012, offering budget recommendations of the Committee on Agriculture for the agencies and programs under its jurisdiction.

May 4, 2011—Full Committee open business meeting. Approval by voice vote H.R. 1573, to facilitate implementation of title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, promote regulatory coordination, and avoid market disruption.

June 23, 2011—Full Committee open business meeting. Approval by voice vote of the Activity Report of the Committee on Agriculture for the 1st Quarter of the 112th Congress as required by House Rule XI, clause 1(d).

December 2, 2011—Full Committee open business meeting. Approval by voice vote of the authorization and the issuance of a subpoena to compel the attendance of a witness at the subsequent hearing to examine the MF Global Bankruptcy.

January 25, 2012—Full Committee open business meeting. To consider: H.R. 1840, to improve consideration by the Commodity Futures Trading Commission of the costs and benefits of its regulations and orders; H.R. 2682, Swap Execution Facility Clarification Act; H.R. 2779, to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act; H.R. 2586, Swap Execution Facility Clarification Act; H.R. 3336, Small Business Credit Availability Act; and H.R. 3527, Protecting Main Street End-Users From Excessive Regulation.

March 7, 2012—Full Committee open business meeting. Approval by a voice vote of the Budget Views and Estimates Letter for FY 2013, offering budget recommendations of the Committee on Agriculture for the agencies and programs under its jurisdiction

April 18, 2012—Full Committee open business meeting. To consider a proposal to satisfy the Committee's reconciliation instructions required by H. Con. Res. 112, the Concurrent Resolution on the Budget for FY 2013.

June 27, 2012—Full Committee open business meeting. Approval by a voice vote of the Activity Report of the Committee on Agriculture for the 3rd Quarter of the 112th Congress as required by House Rule XI, clause 1(d).

July 11, 2012—Full Committee open business meeting. Approval by a recorded vote of 35 yeas to 11 nays, H.R. 6083, the Federal Agricultural Reform and Risk Management Act of 2012.

#### G. COMMITTEE PRINTS

*Public Forum To Review the Biotechnology Product Regulatory Approval Process.* January 20, 2011. Print No. 112-1.

*Committee on Agriculture Rules.* Print. No. 112-2.

*Ceremony Unveiling the Portrait of the Honorable Collin C. Peterson.* April 5, 2011. Print No. 112-3.

#### H. WATERSHEDS

None.

### III. APPENDIX

#### A. EXECUTIVE COMMUNICATIONS

E.C. 25—Jan. 6, 2011: A letter from the Office of Research and Analysis, Department of Agriculture, transmitting the Department's final rule—Supplemental Nutrition Assistance Program (SNAP): Clarifications and Corrections to Recipient Claim Establishment and Collection Standards [FNS-2008-0034] (RIN: 0584-AD25) received January 4, 2011.

E.C. 44—Jan. 7, 2011: A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Tobacco Transition Payment Program; Tobacco Transition Assessments (RIN: 0560-AH30) received January 4, 2011.

E.C. 119—Jan. 19, 2011: A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Tobacco Transition Payment Program; Tobacco Transition Assessments (RIN: 0560-AH30) received January 6, 2011.

E.C. 172—Jan. 24, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Emerald Ash Borer; Quarantined Areas; Maryland, Michigan, Minnesota, Missouri, Pennsylvania, Virginia, West Virginia, and Wisconsin [Doc. No.: APHIS-2008-0072] received January 11, 2011.

E.C. 173—Jan. 24, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Pine Shoot Beetle; Additions to Quarantined Areas [Doc. No.: APHIS-2008-0111] received January 11, 2011.

E.C. 174—Jan. 24, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Additions to Quar-

antined Areas in Massachusetts and New York [Doc. No.: APHIS–2009–0014] received January 11, 2011.

E.C. 193—Jan. 25, 2011: A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department’s “Major” final rule—Subpart B—Advanced Biofuel Payment Program (RIN: 0570–AA75) received January 21, 2011.

E.C. 194—Jan. 25, 2011: A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department’s “Major” final rule—Biorefinery Assistance Guaranteed Loans (RIN: 0570–AA73) received January 21, 2011.

E.C. 257—Feb. 8, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule—2-Propenoic Acid, Methyl Ester, Polymer with Ethenyl Acetate, Hydrolyzed, Sodium Salts; Tolerance Exemption [EPA–HQ–OPP–2006–0603 FRL–8114–9] received January 13, 2011.

E.C. 335—Feb. 9, 2011: A letter from the Secretary, Department of Agriculture, transmitting a report entitled “Herger-Feinstein Quincy Library Group Forest Recovery Act Pilot Project”; jointly to the Committees on Natural Resources and Agriculture.

E.C. 336—Feb. 10, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule—Fluazinam; Pesticide Tolerances [EPA–HQ–OPP–2009–0032; FRL–8859–3] received January 14, 2011.

E.C. 416—Feb. 14, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department’s final rule—Black Stem Rust; Additions of Rust-Resistant Varieties [Doc. No.: APHIS–2010–0088] received January 21, 2011.

E.C. 478—Feb. 14, 2011: A letter from the Management Analyst, Directives and Regulations Branch, Forest Service, transmitting the Service’s final rule—Prohibitions in Areas Designated by Order Closure of National Forest System Lands to Protect Privacy of Tribal Activities (RIN: 0596–AC93) received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Natural Resources and Agriculture.

E.C. 508—Feb. 16, 2011: A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department’s final rule—Emerald Ash Borer; Addition of Quarantined Areas in Kentucky, Michigan, Minnesota, New York, Pennsylvania, West Virginia, and Wisconsin [Doc. No.: APHIS–2009–0098] received February 4, 2011.

E.C. 509—Feb. 16, 2011: A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department’s final rule—Prevention of Payments to Deceased Persons (RIN: 0560–AH91) received January 19, 2011.

E.C. 510—Feb. 16, 2011: A letter from the Chief Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting the Department’s final rule—Supplemental Nutrition Assistance Program, Regulation Restructuring: Issuance Regulation Update and Reorganization To Reflect the End of Coupon Issuance Systems (RIN: 0584–AD48) received January 21, 2011.

E.C. 511—Feb. 16, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Depart-

ment's final rule—Highly Pathogenic Avian Influenza [Doc. No.: APHIS-2006-0074] (RIN: 0579-AC36) received January 25, 2011.

E.C. 512—Feb. 16, 2011: A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Loan Servicing; Farm Loan Programs (RIN: 0560-AI05) received February 4, 2011.

E.C. 538—Feb. 17, 2011: A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's "Major" final rule—Subpart A—Repowering Assistance Payments to Eligible Biorefineries (RIN: 0570-AA74) received January 24, 2011.

E.C. 539—Feb. 17, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fluazifop-P-butyl; Pesticide Tolerances [EPA-HQ-OPP-2009-0980; FRL-8861-1] received January 25, 2011.

E.C. 540—Feb. 17, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Sulfentrazone; Pesticide Tolerances [EPA-HQ-OPP-2008-0125; FRL-8860-1] received January 25, 2011.

E.C. 558—Feb. 18, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Sodium and Potassium salts of N-alkyl (C8-C18)-beta-iminodipropionic acid; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0098; FRL-8861-9] received January 31, 2011.

E.C. 559—Feb. 18, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fludioxonil; Pesticide Tolerances for Emergency Exemptions [EPA-Q-OPP-2010-0982; FRL-8859-6] received January 31, 2011.

E.C. 560—Feb. 18, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—n-Octyl alcohol and n-Decyl alcohol; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0181; FRL-8860-7] received January 31, 2011.

E.C. 561—Feb. 18, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—(S,S)-Ethylenediamine Disuccinic Acid Trisodium Salt; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0733; FRL-8860-6] received January 31, 2011.

E.C. 562—Feb. 18, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Cyprodinil; Pesticide Tolerances [EPA-HQ-OPP-2010-0385; FRL-8860-3] received January 31, 2011.

E.C. 563—Feb. 18, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Isobutane; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0676; FRL-8860-4] received January 31, 2011.

E.C. 564—Feb. 18, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmit-

ting the Agency's final rule—Bispyribac-sodium; Pesticide Tolerances [EPA-HQ-OPP-2009-0796; FRL-8860-2] received January 31, 2011.

E.C. 597—Mar. 1, 2011: A letter from the Regulatory Officer, Department of Agriculture, transmitting the Department's final rule—Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2010 Tariff-Rate Quota Year received January 19, 2011.

E.C. 598—Mar. 1, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Mefenoxam; Pesticide Tolerances [EPA-HQ-OPP-2009-0713; FRL-8855-1] received January 28, 2011.

E.C. 717—Mar. 3, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Polymerized Fatty Acid Esters with Aminoalcohol Alkoxylates; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0275; FRL-8860-8] received February 11, 2011.

E.C. 718—Mar. 3, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Clothianidin; Time-Limited Pesticide Tolerances [EPA-HQ-OPP-2010-0217; FRL-8858-3] received February 11, 2011.

E.C. 719—Mar. 3, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—1,4-Benzenedicarboxylic Acid, Dimethyl Ester, Polymer with 1,4-Butanediol, Adipic Acid, and Hexamethylene Diisocyanate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0838; FRL-8863-9] received February 11, 2011.

E.C. 762—Mar. 8, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Difenoconazole; Pesticide Tolerances [EPA-HQ-OPP-2009-0823; FRL-8864-9] received February 28, 2011.

E.C. 763—Mar. 8, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Potassium hypochlorite; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0996; FRL-8859-5] received February 28, 2011.

E.C. 802—Mar. 10, 2011: A letter from the Director, Policy Issuances Division, Department of Agriculture, transmitting the Department's final rule—Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products [Doc. No.: FSIS-2005-0018] (RIN: 0583-AC60) received February 18, 2011.

E.C. 803—Mar. 10, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Citrus Seed Imports; Citrus Greening and Citrus Variegated Chlorosis [Doc. No.: APHIS-2008-0052] (RIN: 0579-AD07) received February 16, 2011.

E.C. 842—Mar. 14, 2011: A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the De-

partment's final rule—Asparagus Revenue Market Loss Assistant Payment Program (RIN: 0560-AI02) received February 18, 2011.

E.C. 881—Mar. 15, 2011: A letter from the Commissioner, Commodity Futures Trading Commission, transmitting a letter regarding the current budget deliberations for the Commodity Futures Trading Commission; jointly to the Committees on Agriculture and Appropriations.

E.C. 903—Mar. 17, 2011: A letter from the Secretary, Department of Agriculture, transmitting the Department's report entitled, "2010 Packers and Stockyards Program Annual Report", pursuant to the Packers and Stockyards Act of 1921, as amended.

E.C. 1002—Apr. 4, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Potassium benzoate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0117; FRL-8863-2] received March 3, 2011.

E.C. 1003—Apr. 4, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Peroxyacetic Acid; Amendment to an Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0021; FRL-8865-3] received March 3, 2011.

E.C. 1004—Apr. 4, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fomesafen; Pesticide Tolerances [EPA-HQ-OPP-2010-0122; FRL-8858-5] received March 3, 2011.

E.C. 1065—Apr. 6, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—*Bacillus thuringiensis* eCry3.1Ab Protein in Corn; Temporary Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0609; FRL-8866-5] received March 10, 2011.

E.C. 1148—Apr. 8, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Changes in Disease Status of the Brazilian State of Santa Catarina With Regard to Certain Ruminant and Swine Diseases; Technical Amendment [Doc. No.: APHIS-2009-0034] (RIN: 0579-AD12) received March 23, 2011.

E.C. 1149—Apr. 8, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—National Poultry Improvement Plan and Auxiliary Provisions [Doc. No.: APHIS-2009-0031] (RIN: 0579-AD21) received March 24, 2011.

E.C. 1106—Apr. 7, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Removal of the List of Ports of Embarkation and Export Inspection Facilities From the Regulations [Doc. No.: APHIS-2009-0078] (RIN: 0579-AD25) received April 4.

E.C. 1107—Apr. 7, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Dichlormid; Pesticide Tolerances [EPA-HQ-OPP-2005-0477; FRL-8866-2] received March 16, 2011.

E.C. 1188—Apr. 11, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Sodium Ferric Ethylenediaminetetra-



acetate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0097; FRL-8867-7] received March 29, 2011.

E.C. 1189—Apr. 11, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Mancozeb; Pesticide Tolerances [EPA-HQ-OPP-2005-0307; FRL-8864-1] received March 29, 2011.

E.C. 1190—Apr. 11, 2011: A letter from the Director, Regulatory Management Agency, Environmental Protection Agency, transmitting the Agency's final rule—Indaziflam; Pesticide Tolerances [EPA-HQ-OPP-2009-0636; FRL-8864-3] received March 29, 2011.

E.C. 1218—Apr. 12, 2011: A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Importation of Horses From Contagious Equine Metritis-Affected Countries [Doc. No.: APHIS-2008-0112] (RIN: 0579-AD31) received March 29, 2011.

E.C. 1285—Apr. 15, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—U.S. Honey Producer Research, Promotion, and Consumer Information Order; Termination of Referendum Procedures [Doc. No.: AMS-FV-07-0091; FV-07-706-FR] (RIN: 0581-AC78) received March 23, 2011.

E.C. 1286—Apr. 15, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—National Organic Program; Amendment to the National List of Allowed and Prohibited Substances (Livestock) [Document No.: AMS-NOP-10-0051; NOP-10-04FR] (RIN: 0581-AD04) received March 23, 2011.

E.C. 1287—Apr. 15, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Walnuts Grown in California; Decreased Assessment Rate [Doc. No.: AMS-FV-10-0060; FV-10-984-1FIR] received March 23, 2011.

E.C. 1288—Apr. 15, 2011: A letter from the Assistant Administrator, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 2010-2011 Marketing Year [Docket Nos.: AMS-FV-09-0082; FV-10-985-1A IR] received March 23, 2011.

E.C. 1289—Apr. 15, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Country of Origin Labeling of Packed Honey [Document No.: AMS-FV-08-0075] (RIN: 0581-AC89) received March 23, 2011.

E.C. 1290—Apr. 15, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Blueberry Promotion, Research, and Information Order; Section 610 Review [Docket Number: AMS-FV-10-0006] received March 23, 2011.

E.C. 1291—Apr. 15, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Avocados Grown in South Florida; Increased Assessment Rate [Doc. No.: AMS-FV-10-0067; FV-10915-1FIR] received March 23, 2011.

E.C. 1292—Apr. 15, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final

rule—Tart Cherries Grown in the States of Michigan, *et al.*; Final Free and Restricted Percentages for the 2010–2011 Crop Year for Tart Cherries [Doc. No.: AMS–FV–10–930–4FR] received March 23, 2011.

E.C. 1306—May 2, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule—Kiwifruit Grown in California; Order Amending Marketing Order No. 920; Correction [Doc. No.: AO–FV–08–0174; AMS–FV–08–0085; FV–08–920–3 C] received April 19, 2011.

E.C. 1363—May 3, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule—Flubendiamide; Pesticide Tolerances [EPA–HQ–OPP–2007–0099; FRL–8863–8] received March 22, 2011.

E.C. 1364—May 3, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule—*Aspergillus flavus* AF36; Exemption from the Requirement of a Tolerance [EPA–HQ–OPP–2010–0101; FRL–8868–7] received March 22, 2011.

E.C. 1365—May 3, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule—Hexythiazox; Pesticide Tolerances [EPA–HQ–OPP–2009–0325; FRL–8868–6] received April 4, 2011.

E.C. 1366—May 3, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule—Ethiprole; Pesticide Tolerances [EPA–HQ–OPP–2009–0493; FRL–8863–1] received April 4, 2011.

E.C. 1424—May 5, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule—Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States; Section 610 Review [Doc. No.: AMS–FV–10–0030; FV10–996–610 Review] received March 23, 2011.

E.C. 1425—May 5, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule—Olives Grown in California; Decreased Assessment Rate [Doc. No.: AMS–FV–10–0115; FV11–932–1 IR] received March 23, 2011.

E.C. 1426—May 5, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule—Pears Grown in Oregon and Washington; Amendment To Allow Additional Exemptions [Doc. No.: AMS–FV–10–0072; FV10–927–1 IR] received March 23, 2011.

E.C. 1427—May 5, 2011: A letter from the Director, Program Development and Regulatory Analysis, Rural Development Utilities Programs, Department of Agriculture, transmitting the Department’s final rule—Rural Broadband Access Loans and Loan Guarantees (RIN: 0572–AC06) received April 6, 2011.

E.C. 1480—May 10, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule—Etoxazole; Pesticide Tolerances [EPA–HQ–OPP–2010–0063; FRL–8867–5] received April 8, 2011.

E.C. 1481—May 10, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule—*Escherichia coli* O157:H7 Specific Bacteriophages; Temporary Exemption From the Requirement of a

Tolerance [EPA-HQ-OPP-2010-0274; FRL-8868-4] received April 8, 2011.

E.C. 1482—May 10, 2011: A letter from the Director, Regulatory Management Agency, Environmental Protection Agency, transmitting the Agency's final rule—Glyphosate (N-(phosphonomethyl)glycine; Pesticide Tolerances [EPA-HQ-OPP-2009-0988; FRL-8866-8] received April 8, 2011.

E.C. 1552—May 12, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Gypsy Moth Generally Infested Areas; Additions in Indiana, Maine, Ohio, Virginia, West Virginia, and Wisconsin [Doc. No.: APHIS-2010-0075] received April 20, 2011.

E.C. 1553—May 12, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Citrus Canker, Citrus Greening, and Asian Citrus Psyllid; Interstate Movement of Regulated Nursery Stock [Doc. No.: APHIS-2010-0048] (RIN: 0579-AD29) received May 2, 2011.

E.C. 1598—May 23, 2011: A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—General Provisions; Operating and Strategic Business Planning (RIN: 3052-AC66) received May 3, 2011.

E.C. 1635—May 24, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Metiram; Pesticide Tolerances [EPA-HQ-OPP-2005-0308; FRL-8869-1] received April 26, 2011.

E.C. 1636—May 24, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Mefenpyr-diethyl; Pesticide Tolerances [EPA-HQ-OPP-2010-0267; FRL-8870-9] received April 26, 2011.

E.C. 1637—May 24, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Pyrasulfotole; Pesticide Tolerances [EPA-HQ-OPP-2010-0266; FRL-8869-5] received April 26, 2011.

E.C. 1706—May 27, 2011: A letter from the Chief, Planning & Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final rule—Food Distribution Program on Indian Reservations: Amendments Related to the Food, Conservation, and Energy Act of 2008 [FNS-2009-0006] (RIN: 0584-AD95) received May 2, 2011.

E.C. 1707—May 27, 2011: A letter from the Director of Legislative Affairs, NRCS, Department of Agriculture, transmitting the Department's final rule—Wetland Conservation [Doc. No.: NRCS-2011-0010] (RIN: 0578-AA58) received May 2, 2011.

E.C. 1713—May 31, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Aluminum tris(Oethylphosphonate), Butylate, Chlorethoxyfos, Clethodim, *et al.*; Tolerance Actions [EPA-HQ-OPP-2010-0490; FRL-8869-6] received April 12, 2011.

E.C. 1714—May 31, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Carbon Dioxide; Exemption from the

Requirement of a Tolerance [EPA-HQ-OPP-2007-1077; FRL-0873-1] received May 2, 2011.

E.C. 1715—May 31, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Clothianidin; Pesticide Tolerances [EPA-HQ-OPP-2008-0771; FRL-8873-3] received May 26, 2011.

E.C. 1716—May 31, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—*Metarhizium anisopliae* strain F52; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0194; FRL-8872-3] received May 2, 2011.

E.C. 1717—May 31, 2011: A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule—Federal Agricultural Mortgage Corporation Governance and Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Risk-Based Capital Requirements (RIN: 3052-AC51) received May 3, 2011.

E.C. 1745—Jun. 1, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Glyphosate; Pesticide Tolerance [EPA-HQ-OPP-2010-0938; FRL-8872-6] received May 6, 2011.

E.C. 1746—Jun. 1, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Propiconazole; Pesticide Tolerances [EPA-HQ-OPP-2009-1009; FRL-8873-2] received May 6, 2011.

E.C. 1747—Jun. 1, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Saflufenacil; Pesticide Tolerances [EPA-HQ-OPP-2010-0755; FRL-8872-7] received May 6, 2011.

E.C. 1748—Jun. 1, 2011: A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's 2011 compensation program adjustments, including the Agency's current salary range structure and the performance-based merit pay matrix, in accordance with section 1206 of the Financial Institutions, Reform, Recovery, and Enforcement Act of 1989.

E.C. 1812—Jun. 3, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Triflurosulfuron-methyl; Pesticide Tolerances [EPA-HQ-OPP-2010-0102; FRL-8871-4] received April 19, 2011.

E.C. 1813—Jun. 3, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Data Requirements for Antimicrobial Pesticides; notification to the Secretaries of Agriculture and Health and Human Services [EPA-HQ-OPP-2008-0110; FRL-8861-7] (RIN: 2010-AD30) received April 19, 2011.

E.C. 1814—Jun. 3, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fluopicolide; Pesticide Tolerances [EPA-HQ-OPP-2006-0481; FRL-8859-9] received April 19, 2011.

E.C. 1872—Jun. 9, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Spirotetramat; Pesticide Tolerances [EPA-HQ-OPP-2009-0263; FRL-8865-8] received May 12, 2011.

E.C. 1903—Jun. 14, 2011: A letter from the Chief, Planning and Regulatory Affairs, Department of Agriculture, transmitting the Department's final rule—Geographic Preference Option for the Procurement of Unprocessed Agricultural Products in Child Nutrition Programs (RIN: 0584-AE03) received May 24, 2011.

E.C. 1904—Jun. 14, 2011: A letter from the Regulatory Contact, Department of Agriculture, transmitting the Department's final rule—Export Inspection and Weighing Waiver for High Quality Specialty Grains Transported in Containers [Doc. No.: GIPSA-2010-FGIS-0002] (RIN: 0580-AB18) received May 5, 2011.

E.C. 1962—Jun. 14, 2011: A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the annual reports that appear on pages 120–147 of the March 2011 “Treasury Bulletin”, pursuant to 26 U.S.C. 9602(a); jointly to the Committees on Ways and Means, Transportation and Infrastructure, Natural Resources, Agriculture, Education and the Workforce, and Energy and Commerce.

E.C. 1963—Jun. 15, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Importation of Swine Hides and Skins, Bird Trophies, and Ruminant Hides and Skins; Technical Amendment [Doc. No.: APHIS-2006-0113] (RIN: 0579-AC11) received May 23, 2011.

E.C. 1964—Jun. 15, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Brucellosis in Swine; Add Texas to List of Validated Brucellosis-Free States [Doc. No.: APHIS-2011-0005] received May 23, 2011.

E.C. 2024—Jun. 16, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Plum Pox Virus; Update of Quarantined Areas [Doc. No.: APHIS-2010-0089] received May 13, 2011.

E.C. 2025—Jun. 16, 2011: A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule—Loan Policies and Operations; Loan Purchases from FDIC (RIN: 3052-AC62) received May 31, 2011.

E.C. 2067—Jun. 20, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Importation of Plants for Planting; Establishing a Category of Plants for Planting Not Authorized for Importation Pending Pest Risk Analysis [Doc. No.: APHIS-2006-0011] (RIN: 0579-AC03) received May 31, 2011.

E.C. 2068—Jun. 20, 2011: A letter from the Chief Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final rule—Supplemental Nutrition Assistance Program: Civil Rights Protections for SNAP Households (RIN: 0584-AD89) received May 31, 2011.

E.C. 2069—Jun. 20, 2011: A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule—Loan Policies and Operations; Lending and Leasing Limits and Risk Management (RIN: 3052-AC60) received May 31, 2011.

E.C. 2086—Jun. 21, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmit-

ting the Agency's final rule—Bromoxynil; Pesticide Tolerances [EPA-HQ-OPP-2010-0268; FRL-8873-9] received June 2, 2011.

E.C. 2087—Jun. 21, 2011: A letter from the Director, Regulation Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Ethylene Glycol; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0361; FRL-8870-7] received June 2, 2011.

E.C. 2088—Jun. 21, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Pyraflufen-ethyl; Pesticide Tolerances [EPA-HQ-OPP-2010-0426; FRL-8873-5] received June 2, 2011.

E.C. 2260—Jul. 6, 2011: A letter from the Director, Policy Issuances Division, Department of Agriculture, transmitting the Department's final rule—Cooperative Inspection Programs: Interstate Shipment of Meat and Poultry Products [Doc. No.: FSIS-2008-0039] (RIN: 0538-AD37) received June 15, 2011.

E.C. 2261—Jul. 6, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Diethylene Glycol MonoEthyl Ether (DEGEE); Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0474; FRL-8877-1] received June 15, 2011.

E.C. 2262—Jul. 6, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—C9 Rich Aromatic Hydrocarbons, C10-11 Rich Aromatic Hydrocarbons, and C11-12 Rich Aromatic Hydrocarbons; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0517; FRL-8876-2] received June 15, 2011.

E.C. 2302—Jul. 7, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Difenoconazole; Pesticide Tolerances [EPA-HQ-OPP-2010-0296; FRL-8876-4] received June 10, 2011.

E.C. 2303—Jul. 7, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Pesticide Tolerances; Technical Amendments [EPA-HQ-OPP-2010-1081; FRL-8875-4] received June 10, 2011.

E.C. 2338—Jul. 8, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Washington; Modification of the Rules and Regulations [Doc. No.: AMS-FV-11-0024; FV11-946-31R] received June 13, 2011.

E.C. 2339—Jul. 8, 2011: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Sorghum Promotion, Research and Information Program; State Referendum Results [AMS-LS-11-0040] received June 13, 2011.

E.C. 2340—Jul. 8, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2011-2012 Marketing Year [Doc. No.: AMS-FV-10-0094; FV11-985-1 FR] received June 13, 2011.

E.C. 2341—Jul. 8, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—

United States Standards for Grades of Potatoes [Doc. No.: AMS-FV-08-0023] received June 13, 2011.

E.C. 2342—Jul. 8, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—National Organic Program; Amendment to the National List of Allowed and Prohibited Substances (Livestock) [Doc. No.: AMS-NOP-10-005; NOP-10-04FR] (RIN: 0581-AD04) received June 13, 2011.

E.C. 2343—Jul. 8, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Softwood Lumber Research, Promotion, Consumer Education and Industry Information Order [Doc. No.: AMS-FV-10-0015; PR-A2] (RIN: 0581-AD03) received June 13, 2011.

E.C. 2344—Jul. 8, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, OR; Termination of Marketing Order 924 [Doc. No.: AMS-FV-10-0053; FV10-924-1 FR] received June 13, 2011.

E.C. 2367—Jul. 11, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Pears Grown in Oregon and Washington; Amendment To Allow Additional Exemptions [Doc. No.: AMS-FV-10-0072; FV10-927-1 FIR] received June 13, 2011.

E.C. 2368—Jul. 11, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—User Fees for 2011 Crop Cotton Classification Services to Growers [AMS-CN-10-0111; CN-11-001] (RIN: 0581-AD11) received June 13, 2011.

E.C. 2369—Jul. 11, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Nectarines and Peaches Grown in California; Suspension of Handling Requirements [Doc. No.: AMS-FV-11-0019; FV11-916/917-5 IR] received June 13, 2011.

E.C. 2370—Jul. 11, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Grapes Grown in Designated Area of Southeastern California; Increases Assessment Rate [Doc. No.: AMS-FV-10-0104; FV11-925-1 FR] received June 13, 2011.

E.C. 2371—Jul. 11, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Olives Grown in California; Decreased Assessment Rate [Doc. No.: AMS-FV-10-0115; FV11-932-1 IR] received June 13, 2011.

E.C. 2372—Jul. 11, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Increased Assessment Rate [Doc. No.: AMS-FV-10-0090; FV10989-3 FR] received June 13, 2011.

E.C. 2373—Jul. 11, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Federal Seed Act Regulations [Doc. No.: AMS-LS-08-0002] (RIN: 0581-AC74) received June 13, 2011.

E.C. 2374—Jul. 11, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Regulations Issued Under the Export Grape and Plum Act; Revision to the Minimum Requirements [Doc. No.: AMS-FV-10-0091; FV1135-1 FR] received June 13, 2011.

E.C. 2375—Jul. 11, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Washington; Decreased Assessment Rate [Doc. No.: AMS-FV-11-0012; FV11-946-2 IR] received June 13, 2011.

E.C. 2376—Jul. 11, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Blueberry Promotion, Research, and Information Order; Section 610 Review [Doc. No.: AMS-FV-10-0006] received June 13, 2011.

E.C. 2377—Jul. 11, 2011: A letter from the Deputy Director, Food and Community Resources, Department of Agriculture, transmitting the Department's final rule—Competitive and Noncompetitive Non-Formula Federal Assistance Programs—Specific Administrative Provisions for the Beginning Farmer and Rancher Development Program (RIN: 0524-AA59) received June 20, 2011.

E.C. 2378—Jul. 11, 2011: A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Farmer Mac Risk-Based Capital Stress Test, Version 5.0 (RIN: 3052-AC70) received June 24, 2011.

E.C. 2393—Jul. 12, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Cloquintocet-mexyl; Pesticide Tolerances [EPA-HQ-OPP-2010-0980; FRL-8877-2] received June 24, 2011.

E.C. 2394—Jul. 12, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Diethylene glycol mono butyl ether; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0474; FRL-8876-5] received June 24, 2011.

E.C. 2395—Jul. 12, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Propylene Oxide; Pesticide Tolerances [EPA-HQ-OPP-2005-0253; FRL-8877-7] received June 24, 2011.

E.C. 2416—Jul. 12, 2011: A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the 2010 annual report on the operation of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act; jointly to the Committees on Foreign Affairs and Agriculture.

E.C. 2418—Jul. 13, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Perishable Agricultural Commodities Act: Impact of Post-Default Agreements on Trust Protection Eligibility [Doc. No.: AMS-FV-09-0047] received June 13, 2011.

E.C. 2419—Jul. 13, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—2-meghyl-2,4-pentanediol; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0330; FRL-8875-9] received June 20, 2011.

E.C. 2554—Jul. 20, 2011: A letter from the Acting Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting the Department's final rule—Competitive and Noncompetitive Non-Formula Federal Assistance Programs—Ad-



ministrative Provisions for the Sun Grant Program (RIN: 0524-AA64) received July 8, 2011.

E.C. 2595—Jul. 25, 2011: A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule—Common Crop Insurance Regulations; Extra Long Staple Cotton Crop Provisions [Doc. No.: FCIC-10-0002] (RIN: 0563-AC27) received June 28, 2011.

E.C. 2627—Jul. 27, 2011: A letter from the Administrator, Environmental Protection Agency, transmitting proposed legislation to collect certain fees under the Toxic Substances Control Act (TSCA); jointly to the Committees on Agriculture and Energy and Commerce.

E.C. 2631—Jul. 28, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—2-Propenoic acid, 2-methyl-, phenylmethyl ester, polymer with 2-propenoic acid and sodium 2-methyl-2-[(1-oxo-2-propen-1-yl)amino]-1-propanesulfonate(1:1), peroxydisulfuric acid ([HO)S(O)2]2O2 sodium salt (1:2)-initiated; Tolerance Exemption [EPA-HQ-OPP-2011-0327; FRL-8878-4] received July 7, 2011.

E.C. 2632—Jul. 28, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Maneb; Tolerance Actions [EPA-HQ-OPP-2010-0327; FRL-8878-6] received July 7, 2011.

E.C. 2650—Jul. 29, 2011: A letter from the Deputy Director, Food and Community Resources, Department of Agriculture, transmitting the Department's final rule—Competitive and Noncompetitive Nonformula Federal Assistance Programs—Administrative Provisions for Biomass Research and Development Initiative (0524-AA61) received June 20, 2011.

E.C. 2665—Jul. 30, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Washington; Decreased Assessment Rate [Doc. No.: AMS-FV-11-0012; FV11-946-2 FIR] received July 25, 2011.

E.C. 2666—Jul. 30, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Watermelon Research and Promotion Plan; Redistricting and Importer Representation [Doc. No.: AMS-FV-10-0093] received July 25, 2011.

E.C. 2667—Jul. 30, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Beef Promotion and Research; Reapportionment [Doc. No.: MSLS-10-0086] received July 25, 2011.

E.C. 2668—Jul. 30, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown In California; Increase in Desirable Carryout Used To Compute Trade Demand [Doc. No.: AMS-FV-11-0013; FV11-989-1 FR] received July 25, 2011.

E.C. 2669—Jul. 30, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Mango Promotion, Research, and Information Order; Reapportionment [Doc. No.: AMSFV-10-0092] received July 25, 2011.

E.C. 2670—Jul. 30, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final

rule—Vidalia Onions Grown in Georgia; Change in Late Payment and Interest Requirements on Past Due Assessments [Doc. No.: AMS-FV-11-0016; FV11-955-1 FR] received July 25, 2011.

E.C. 2671—Jul. 30, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 2010–2011 Marketing Year [Doc. Nos.: AMS-FV-09-0082; FV10-985-1A FIR] received July 25, 2011.

E.C. 2672—Jul. 30, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Olives Grown in California; Decreased Assessment Rate [Doc. No.: AMS-FV-10-0115; FV11-932-1 FIR] received July 25, 2011.

E.C. 2673—Jul. 30, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Nectarines and Peaches Grown in California; Suspension of Handling Requirements [Doc. No.: AMS-FV-11-0019; FV11-916/917-5 FIR] received July 25, 2011.

E.C. 2679—Aug. 1, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Grapes Grown in a Designated Area of Southeastern California; Section 610 Review [Doc. No.: AMS-FV-06-0185; FV06-925-610 Review] received July 25, 2011.

E.C. 2680—Aug. 1, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Conditions of Guarantee (RIN: 0570-AA81) received July 18, 2011.

E.C. 2699—Aug. 2, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Movement of Hass Avocados From Areas Where Mediterranean Fruit Fly or South American Fruit Fly Exist [Doc. No.: APHIS-2010-0127] (RIN: 0579-AD34) received July 25, 2011.

E.C. 2700—Aug. 2, 2011: A letter from the Manager, BioPreferred Program, Department of Agriculture, transmitting the Department's final rule—Designation of Biobased Items for Federal Procurement (RIN: 0503-AA36) received July 25, 2011.

E.C. 2778—Aug. 19, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—U.S. Honey Producer Research, Promotion, and Consumer Information Order; Termination of Referendum Procedures [Doc. No.: AMS-FV-07-0091; FV-07-706-FR] (RIN: 0581-AC78) received July 28, 2011.

E.C. 2779—Aug. 23, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Chlorantraniliprole; Pesticide Tolerances [EPA-HQ-OPP-2010-0888; FRL-8875-5] received July 25, 2011.

E.C. 2884—Sep. 2, 2011: A letter from the Secretary to the Commission, Commodity Futures Trading Commission, transmitting the Commission's final rule—Removing Any Reference to or Reliance on Credit Ratings in Commission Regulations; Proposing Alternatives to the Use of Credit Ratings (RIN: 3038-AD11) received August 3, 2011.

E.C. 2885—Sep. 2, 2011: A letter from the Secretary of the Commission, Commodity Futures Trading Commission, transmitting the Commission's final rule—Process for Review of Swaps for Mandatory Clearing (RIN: 3038-AD00) received August 3, 2011.

E.C. 2886—Sep. 2, 2011: A letter from the Secretary of the Commission, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule—Swap Data Repositories: Registration Standards, Duties, and Core Principles (RIN: 3038-AD20) received August 24, 2011.

E.C. 2887—Sep. 2, 2011: A letter from the Secretary of the Commission, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule—Final Rules for Implementing the Whistleblower Provisions of Section 23 of the Commodity Exchange Act (RIN: 3038-AD04) received August 24, 2011.

E.C. 2888—Sep. 2, 2011: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule—Provisions Common to Registered Entities (RIN: 3038-AD07) received August 3, 2011.

E.C. 2889—Sep. 2, 2011: A letter from the Regulatory Analyst, Department of Agriculture, transmitting the Department's final rule—Export Inspection and Weighting Waiver for High Quality Specialty Grain Transported in Containers (RIN: 0580-AB18) received August 1, 2011.

E.C. 2946—Sep. 6, 2011: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule—Large Trader Reporting for Physical Commodity Swaps (RIN: 3038-AD17) received July 28, 2011.

E.C. 2947—Sep. 6, 2011: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule—Prohibition on the Employment, or Attempted Employment, of Manipulative and Deceptive Devices and Prohibition on Price Manipulation (RIN: 3038-AD27) received July 28, 2011.

E.C. 2948—Sep. 6, 2011: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule—Privacy of Consumer Financial Information; Conforming Amendments Under Dodd-Frank Act (RIN: 3038-AD13) received July 28, 2011.

E.C. 2949—Sep. 6, 2011: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule—Effective Date for Swap Regulation received July 28, 2011.

E.C. 2950—Sep. 6, 2011: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule—Agricultural Commodity Definition (RIN: 3038-AD23) received July 28, 2011.

E.C. 2951—Sep. 6, 2011: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule—Business Affiliate Marketing and Disposal of Consumer Information Rules (RIN: 3038-AD12) received July 28, 2011.

E.C. 2996—Sep. 9, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Importation of Shepherd's Purse With Roots From the Republic of Korea Into the United States [Doc. No.: APHIS-2009-0086] (RIN: 0579-AD26) received July 29, 2011.

E.C. 2997—Sep. 9, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Depart-

ment's final rule—Karnal Bunt; Regulated Areas in Arizona, California, and Texas [Doc. No.: APHIS–2009–0079] received July 29, 2011.

E.C. 2998—Sep. 9, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Carboxymethyl guar gum sodium salt and Carboxymethylhydroxypropyl guar; Exemption from the Requirement of a Tolerance [EPA–HQ–OPP–2011–0531; FRL–8880–5] received July 20, 2011.

E.C. 2999—Sep. 9, 2011: A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Investment Management (RIN: 3052–AC50) received August 2, 2011.

E.C. 3035—Sep. 12, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fluoxastrobin; Pesticide Tolerances [EPA–HQ–OPP–2010–0725; FRL–8884–4] received August 15, 2011.

E.C. 3036—Sep. 12, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Metconazole; Pesticide Tolerances [EPA–HQ–OPP–2010–0621; FRL–8882–7] received August 15, 2011.

E.C. 3037—Sep. 12, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Thiamethoxam; Pesticide Tolerances [EPA–HQ–OPP–2011–0481; FRL–A8874–9] received August 15, 2011.

E.C. 3038—Sep. 12, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Tetraconazole; Pesticide Tolerances [EPA–HQ–OPP–2010–0583; FRL–8885–1] received August 25, 2011.

E.C. 3187—Sep. 22, 2011: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule—Agricultural Swaps (RIN: 3038–AD21) received August 23, 2011.

E.C. 3188—Sep. 22, 2011: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—National Dairy Promotion and Research Program; Final Rule on Amendments to the Order [Doc. No.: DA–08–07; AMS–DA–08–0050] (RIN: 0581–AC87) received August 22, 2011.

E.C. 3189—Sep. 22, 2011: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Washington; Modifications of the Rules and Regulations [Doc. No.: AMS–FV–11–0024; FV11–946–3 FIR] received August 22, 2011.

E.C. 3190—Sep. 22, 2011: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—National Organic Program (NOP); Sunset Review (2011) [Doc. No.: AMS–TM–07–0136; TM–07–14FR] (RIN: 0581–AC77) received August 22, 2011.

E.C. 3191—Sep. 22, 2011: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's

final rule—Softwood Lumber Research, Promotion, Consumer Education and Industry Information Order [Doc. No.: AMS-FV-10-0015; FR] (RIN: 0581-AD03) received August 22, 2011.

E.C. 3217—Sep. 23, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—National Veterinary Accreditation Program; Currently Accredited Veterinarians Performing Accredited Duties and Electing To Participate [Doc. No.: APHIS-2006-0093] (RIN: 0579-AC04) received August 29, 2011.

E.C. 3218—Sep. 23, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Importation of Peppers From Panama [Doc. No.: APHIS-2010-0002] (RIN: 0579-AD16) received August 29, 2011.

E.C. 3219—Sep. 23, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—European Larch Canker; Expansion of Regulated Areas [Doc. No.: APHIS-2011-0029] received August 29, 2011.

E.C. 3220—Sep. 23, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Quarantined Areas and Regulated Articles [Doc. No.: APHIS-2010-0128] received August 29, 2011.

E.C. 3221—Sep. 23, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Importation of Horses From Contagious Equine Metritis-Affected Countries [Doc. No.: APHIS-2008-0112] (RIN: 0579-AD31) received August 29, 2011.

E.C. 3267—Sep. 29, 2011: A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Commercial Transportation of Equines to Slaughter [Doc. No.: APHIS-2006-0168] (RIN: 0579-AC49) received September 8, 2011.

E.C. 3268—Sep. 29, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Tebuconazole; Pesticide Tolerances [EPA-HQ-OPP-2011-0120; FRL-8885-4] received September 12, 2011.

E.C. 3269—Sep. 29, 2011: A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Capital Adequacy Risk-Weighting Revisions: Alternatives to Credit Ratings (RIN: 3052-AC71) received September 6, 2011.

E.C. 3297—Oct. 3, 2011: A letter from the Director, Program Development and Regulatory Analysis, Rural Utilities Service, transmitting the Service's final rule—Emergency Restoration Plan (ERP) (RIN: 0572-AC16) received September 6, 2011.

E.C. 3329—Oct. 4, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Atrazine, Chloroneb, Chlorpyrifos, Clofencent, Endosulfan, *et al.*; Tolerance Actions [EPA-HQ-OPP-2011-0104; FRL-8883-9] received September 12, 2011.

E.C. 3330—Oct. 4, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Sulfur Dioxide; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2011-0684; FRL-8887-2] received September 12, 2011.

E.C. 3331—Oct. 4, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—2,4-D; Pesticide Tolerances [EPA-HQ-OPP-2010-0905; FRL-8881-7] received September 12, 2011.

E.C. 3332—Oct. 4, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—*Chromobacterium subtsugae* strain PRAA4-1T; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0054; FRL-8887-4] received September 12, 2011.

E.C. 3333—Oct. 4, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Dicamba; Pesticide Tolerances [EPA-HQ-OPP-2010-0496; FRL-8881-6] received September 12, 2011.

E.C. 3334—Oct. 4, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Flubendiamide; Pesticide Tolerances; Technical Amendment [EPA-HQ-OPP-2007-0099; FRL-8870-8] received September 12, 2011.

E.C. 3335—Oct. 4, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Lipase, Triacylglycerol; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0271; FRL-8882-4] received September 12, 2011.

E.C. 3336—Oct. 4, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Mandipropamid; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2011-0639; FRL-8886-8] received September 12, 2011.

E.C. 3337—Oct. 4, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Novaluron; Pesticide Tolerances [EPA-HQ-OPP-2010-0466; FRL-8882-1] received September 12, 2011.

E.C. 3380—Oct. 6, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fluazifop-P-butyl; Pesticide Tolerances [EPA-HQ-OPP-2010-0849; FRL-8889-1] received September 20, 2011.

E.C. 3381—Oct. 6, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Chlorantraniliprole; Pesticide Tolerances; Correction [EPA-HQ-OPP-2010-0888; FRL-8888-3] received September 20, 2011.

E.C. 3410—Oct. 7, 2011: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports [Doc. No.: AMS-CN-11-0026; CN-11-002] received September 16, 2011.

E.C. 3411—Oct. 7, 2011: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final

rule—Softwood Lumber Research, Promotion, Consumer Education and Industry Information Order; Correction [Doc. No.: AMS-FV-10-0015C; FR] (RIN: 0581-AD03) received September 16, 2011.

E.C. 3412—Oct. 7, 2011: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Pears Grown in Oregon and Washington; Assessment Rate Decrease for Processed Pears [Doc. No.: AMS-FV-11-0070 FV11-927-3 IR] received September 16, 2011.

E.C. 3413—Oct. 7, 2011: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Pears Grown in Oregon and Washington; Assessment Rate Decrease for Fresh Pears [Doc. No.: AMS-FV-11-0060; FV11-927-2 IR] received September 16, 2011.

E.C. 3414—Oct. 7, 2011: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Dried Prunes Produced in California; Decreased Assessment Rate [Doc. No.: AMS-FV-11-0068; FV11-993-1 IR] received September 16, 2011.

E.C. 3425—Oct. 11, 2011: A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program, Livestock Indemnity Program, and General Provisions for Supplemental Agricultural Disaster Assistance Programs (RIN: 0560-AH95) received September 16, 2011.

E.C. 3426—Oct. 11, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—*Bacillus thuringiensis* eCry3.1Ab Protein in Corn; Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2009-0609; FRL-8889-2] received September 15, 2011.

E.C. 3427—Oct. 11, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Tetrachlorvinphos; Extension of Time-Limited Interim Pesticide Tolerances [EPA-HQ-OPP-2011-0360; FRL-8887-5] received September 15, 2011.

E.C. 3445—Oct. 12, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Tuberculosis in Cattle and Bison; State and Zone Designations; Michigan [Doc. No.: APHIS-2011-0075] received September 14, 2011.

E.C. 3465—Oct. 13, 2011: A letter from the Administrator, Rural Housing Service, Department of Agriculture, transmitting the Department's final rule—Intergovernmental Review received September 16, 2011.

E.C. 3495—Oct. 14, 2011: A letter from the Director, Program Development & Regulatory Analysis, Department of Agriculture, transmitting the Department's final rule—Expansion of 911 Access; Telecommunications Loan Program (RIN: 0572-AC24) received October 5, 2011.

E.C. 3496—Oct. 14, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Gypsy Moth Generally Infested Areas; Additions in Indiana, Maine, Ohio, Virginia, West Virginia, and Wisconsin [Doc. No.: APHIS-2010-0075] received October 3, 2011.

E.C. 3497—Oct. 14, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Golden Nematode; Removal of Regulated Areas [Doc. No.: APHIS-2011-0036] received October 3, 2011.

E.C. 3498—Oct. 14, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Phytosanitary Treatments; Location of and Process for Updating Treatment Schedules; Technical Amendment [Doc. No.: APHIS-2008-0022] (RIN: 0579-AC94) received October 3, 2011.

E.C. 3511—Oct. 18, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—2-Propenoic acid, polymer with ethenylbenzene and (1-methylethenyl) benzene, sodium salt; Tolerance exemption [EPA-HQ-OPP-2011-0430; FRL-8888-5] received August 18, 2011.

E.C. 3541—Oct. 21, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Tuberculosis in Cattle and Bison; State and Zone Designations; New Mexico [Doc. No.: APHIS-2011-0093] received October 5, 2011.

E.C. 3542—Oct. 21, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—*Pseudomonas fluorescens* strain CL145; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0087; FRL-8884-6] received August 18, 2011.

E.C. 3561—Oct. 24, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Tuberculosis in Cattle and Bison; State and Zone Designations; Minnesota [Doc. No.: APHIS-2011-0100] received October 5, 2011.

E.C. 3562—Oct. 24, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Amisulbron; Pesticide Tolerances [EPA-HQ-OPP-2010-0186; FRL-8885-3] received September 26, 2011.

E.C. 3563—Oct. 24, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—*Isaria fumosorosea* *Apopka* strain 97; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0087; FRL-8889-8] received September 26, 2011.

E.C. 3617—Oct. 27, 2011: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule—Foreign Futures and Options Contracts on a Non-Narrow-Based Security Index; Commission Certification Procedures (RIN: 3038-AC54) received September 27, 2011.

E.C. 3618—Oct. 27, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Isopyrazam; Pesticide Tolerances [EPA-HQ-OPP-2009-0906; FRL-8874-6] received October 6, 2011.

E.C. 3619—Oct. 27, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Prothioconazole; Pesticide Tolerances



[EPA-HQ-OPP-2011-0053; FRL-8884-2] received October 4, 2011.

E.C. 3689—Nov. 1, 2011: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule—Retail Foreign Exchange Transactions; Conforming Changes to Existing Regulations in Response to the Dodd-Frank Wall Street Reform and Consumer Protection Act received September 27, 2011.

E.C. 3690—Nov. 1, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Intergovernmental Review received October 4, 2011.

E.C. 3691—Nov. 1, 2011: A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Guaranteed Loan Fees (RIN: 0560-AH41) received September 27, 2011.

E.C. 3692—Nov. 1, 2011: A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Biomass Crop Assistance Program: Corrections (RIN: 0560-AI13) received September 27, 2011.

E.C. 3730—Nov. 3, 2011: A letter from the Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final rule—Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of Nondiscretionary, Non-Electronic Benefits Transfer-Related Provisions (RIN: 0584-AE13) received October 12, 2011.

E.C. 3731—Nov. 3, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Importation of Tomatoes With Stems From the Republic of Korea Into the United States [Doc. No.: APHIS-2010-0020] (RIN: 0579-AD33) received October 31, 2011.

E.C. 3766—Nov. 7, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Importation of Fresh Baby Kiwi From Chile Under a Systems Approach [Doc. No.: APHIS-2010-0018] (RIN: 0579-AD37) received October 27, 2011.

E.C. 3767—Nov. 7, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—National Poultry Improvement Plan and Auxiliary Provisions; Correction [Doc. No.: APHIS-2009-0031] (RIN: 0579-AD21) received October 27, 2011.

E.C. 3806—Nov. 14, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Brucellosis in Swine; Add Texas to List of Validated Brucellosis-Free States [Doc. No.: APHIS-2011-0005] received October 27, 2011.

E.C. 3869—Nov. 16, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Bacteriophage of *Clavibacter michiganensis* subspecies *michiganensis*; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0538; FRL-8891-3] received October 18, 2011.

E.C. 3930—Nov. 18, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Importation of Bromeliad Plants in Growing Media From Belgium, Denmark, and the Netherlands [Doc. No.: APHIS-2010-0005] (RIN: 0579-AD36) received November 3, 2011.

E.C. 3931—Nov. 18, 2011: A letter from the Regulatory Officer, Department of Commerce, transmitting the Department's final rule—Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2011 Tariff-Rate Quota Year received October 31, 2011.

E.C. 3968—Nov. 25, 2011: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule—Reporting by Investment Advisers to Private Funds and Certain Commodity Pool Operators and Commodity Trading Advisors on Form PF [Release No.: IA-3308; File No. S7-05-11] (RIN: 3235-AK92) received November 17, 2011.

E.C. 3969—Nov. 25, 2011: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule—Position Limits for Futures and Swaps (RIN: 3038-AD17) received November 16, 2011.

E.C. 4067—Dec. 1, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Importation of French Beans and Runner Beans From the Republic of Kenya Into the United States [Doc. No.: APHIS-2010-0101] (RIN: 0579-AD39) received November 4, 2011.

E.C. 4088—Dec. 2, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fenamidone; Pesticide Tolerances [EPA-HQ-OPP-2010-0866; FRL-9325-4] received November 16, 2011.

E.C. 4089—Dec. 2, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Polyethylene glycol; Tolerance Exemption [EPA-HQ-OPP-2011-0606; FRL-8892-1] received November 16, 2011.

E.C. 4090—Dec. 2, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Prohexadione Calcium; Pesticide Tolerances [EPA-HQ-OPP-2010-0780; FRL-9326-4] received November 16, 2011.

E.C. 4176—Dec. 7, 2011: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Christmas Tree Promotion, Research, and Information Order [Doc. No.: AMS-FV-10-0008-FR-1A] (RIN: 0581-AD00) received November 15, 2011.

E.C. 4177—Dec. 7, 2011: A letter from the Management and Program Analyst, Directives and Regulations, Forest Service, Department of Agriculture, transmitting the Department's final rule—Community Forest and Open Space Conservation Program (RIN: 0596-AC84) received November 15, 2011.

E.C. 4205—Dec. 7, 2011: A letter from the Management and Program Analyst, Directives and Regulations, Forest Service, Department of Agriculture, transmitting the Department's final rule—Prohibitions—Developed Recreation Sites (RIN: 0596-AC98) received November 15, 2011; jointly to the Committees on Agriculture and Natural Resources.

E.C. 4206—Dec. 8, 2011: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Walnuts Grown in California; Increased Assessment Rate

[Doc. No.: AMS-FV-11-0062; FV11-984-1 FR] received November 17, 2011.

E.C. 4207—Dec. 8, 2011: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Onions Grown in Certain Designated Counties in Idaho, and Malheur County, OR; Modification of Handling Regulations [Doc. No.: AMS-FV-11-0025; FV11-958-1 FR] received November 17, 2011.

E.C. 4208—Dec. 8, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Abamectin (avermectin); Pesticide Tolerances [EPA-HQ-OPP-2010-0619; FRL-8890-2] received November 4, 2011.

E.C. 4209—Dec. 8, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Amides, C5-C9, N-[3-(dimethylamino)propyl] and amides, C6-C12, N-[3-(dimethylamino)propyl]; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0093; FRL-8890-8] received November 4, 2011.

E.C. 4210—Dec. 8, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Flutriafol; Pesticide Tolerances [EPA-HQ-OPP-2010-0876; FRL-9325-6] received November 4, 2011.

E.C. 4211—Dec. 8, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Methacrylic acid-methy methacrylate-polyethylene glycol monomethyl ether methacrylate graft copolymer; Tolerance Exemption [EPA-HQ-OPP-2011-0583; FRL-8891-4] received November 4, 2011.

E.C. 4212—Dec. 8, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Methacrylic Polymer; Tolerance Exemption [EPA-HQ-OPP-2011-0333; FRL-8891-1] received November 4, 2011.

E.C. 4213—Dec. 8, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Trifloxystrobin; Pesticide Tolerances [EPA-HQ-OPP-2011-0456; FRL-8890-1] received November 4, 2011.

E.C. 4236—Dec. 9, 2011: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Nectarines and Fresh Peaches Grown in California; Termination of Marketing Order 916 and the Peach Provision of Marketing Order 917 [Doc. No.: AMS-FV-11-0018; FV11-916/917-4 FR] received November 17, 2011.

E.C. 4237—Dec. 9, 2011: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports; Corrections [Doc. No.: AMS-CN-11-0026C; CN-11-002] received November 17, 2011.

E.C. 4238—Dec. 9, 2011: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Christmas Tree Promotion, Research, and Information Order;

Referendum Procedures [Doc. No.: AMS-FV-10-0008-FR] (RIN: 0581-AD00) received November 17, 2011.

E.C. 4276—Dec. 13, 2011: A letter from the Secretary of the Commission, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule—Derivatives Clearing Organization General Provisions and Core Principles (RIN: 3038-AC98) received November 29, 2011.

E.C. 4277—Dec. 13, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Saflufenacil; Pesticide Tolerances [EPA-HQ-OPP-2010-1026; FRL-9325-2] received December 2, 2011.

E.C. 4307—Dec. 15, 2011: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Christmas Tree Promotion, Research, and Information Order; Stay of Regulations [Doc. No.: AMS-FV-10-0008-1A] (RIN: 0581-AD00) received December 2, 2011.

E.C. 4317—Dec. 16, 2011: A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting proposed amendments to title 12, chapter VI of the Code of Federal Regulations.

E.C. 4327—Dec. 19, 2011: A letter from the Acting Deputy Associate Administrator, Department of Agriculture, transmitting the Department's final rule—Supplemental Nutrition Assistance Program: Quality Control Error Tolerance Threshold [FNS-2011-0060] (RIN: 0584-AE24) received November 30, 2011.

E.C. 4328—Dec. 19, 2011: A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Karnal Bunt; Regulated Areas in California [Doc. No.: APHIS-2011-0074] received November 30, 2011.

E.C. 4366—Dec. 21, 2011: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule—Investment of Customer Funds and Funds Held in an Account for Foreign Futures and Foreign Options Transactions (RIN: 3038-AC79) received December 19, 2011.

E.C. 4367—Dec. 21, 2011: A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Liquidity and Funding (RIN: 3052-AC54) received December 7, 2011.

E.C. 4386—Dec. 22, 2011: A letter from the Management Analyst, Department of Agriculture, transmitting the Department's final rule—Implementation of Regulations Required Under Title XI of the Food, Conservation and Energy Act of 2008; Suspension of Delivery of Birds, Additional Capital Investment Criteria, Breach of Contract, and Arbitration (RIN: 0580-AB07) received December 14, 2011.

E.C. 4458—Jan. 17, 2012: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule—Registration of Foreign Boards of Trade (RIN: 3038-AD19) received December 19, 2011.

E.C. 4459—Jan. 17, 2012: A letter from the Program Development and Regulatory Analysis, Department of Agriculture, transmitting the Department's final rule—Standards and Specifications for Timber Products Acceptable for Use by Rural Utilities Service

Electric and Telecommunications Borrowers received December 14, 2011.

E.C. 4460—Jan. 17, 2012: A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Farm Loan Programs Loan Making Activities (RIN: 0560-AI03) received December 13, 2011.

E.C. 4461—Jan. 17, 2012: A letter from the Acting Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule—Amending 7 CFR Part 4290, Rural Business Investment Program, and 7 CFR Part 1940, General (RIN: 0570-AA80) received December 19, 2011.

E.C. 4462—Jan. 17, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [EPA-HQ-OPP-2011-0972; FRL-9329-9] received December 22, 2011.

E.C. 4463—Jan. 17, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Isoxaflutole; Pesticide Tolerances [EPA-HQ-OPP-2010-0845; FRL-8885-8] received December 7, 2011.

E.C. 4464—Jan. 17, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Butyl acrylate-methacrylic acid-styrene polymer; Tolerance Exemption [EPA-HQ-OPP-2011-0732; FRL-9327-6] received December 14, 2011.

E.C. 4465—Jan. 17, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Hexythiazox; Pesticide Tolerances [EPA-HQ-OPP-2010-0916; FRL-9327-7] received December 14, 2011.

E.C. 4618—Jan. 19, 2012: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule—Real-Time Public Reporting of Swap Transaction Data (RIN: 3038-AD08) received January 9, 2012.

E.C. 4630—Jan. 23, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Cyhalofop-butyl; Pesticide Tolerances [EPA-HQ-OPP-2011-0283; FRL-9330-1] received December 28, 2011.

E.C. 4631—Jan. 23, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Difenoconazole; Pesticide Tolerances [EPA-HQ-OPP-2010-0959; FRL-9328-6] received December 28, 2011.

E.C. 4632—Jan. 23, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Tepraloxym; Pesticide Tolerances [EPA-HQ-OPP-2010-0865; FRL-9330-2] received December 28, 2011.

E.C. 4661—Jan. 24, 2012: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Importation of Live Swine, Swine Semen, Pork and Pork Products from Liechtenstein and Switzerland [Doc. No.: APHIS-2009-0093] received December 21, 2011.

E.C. 4691—Jan. 25, 2012: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Increased Assessment Rate [Doc. No.: AMS-FV-11-0057; FV11-906-1 FR] received January 3, 2012.

E.C. 4692—Jan. 25, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—*Bacillus amyloliquefaciens* strain D747; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0944; FRL-9330-4] received January 4, 2012.

E.C. 4721—Jan. 27, 2012: A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Highly Erodible Land and Wetland Conservation (RIN: 0560-AH97) received January 6, 2012.

E.C. 4732—Jan. 31, 2012: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Southeastern States; Suspension of Marketing Order Provisions [Doc. No.: AMS-FV-11-0027; FV11-953-1 FR] received January 3, 2012.

E.C. 4733—Jan. 31, 2012: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Pistachios Grown in California, Arizona, and New Mexico; Decreased Assessment Rate [Doc. No.: AMS-FV-11-0077; FV-983-2 IR] received January 3, 2012.

E.C. 4734—Jan. 31, 2012: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—United States Standards for Grades of Frozen Okra [Doc. No.: AMS-FV-07-0100, FV-11-327] received January 3, 2012.

E.C. 4735—Jan. 31, 2012: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 1 (Scotch) and Class 3 (Native) Spearmint Oil for the 2011-2012 Marketing Year [Doc. No.: AMS-FV-10-0094; FV11-985-1A IR] received January 3, 2012.

E.C. 4763—Feb. 1, 2012: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Southeastern States; Suspension of Marketing Order Provisions [Doc. No.: AMS-FV-11-0027; FV11-953-1 FR] received January 3, 2012.

E.C. 4801—Feb. 2, 2012: A letter from the Acting Director, Policy Issuances Division, Department of Agriculture, transmitting the Department's final rule—Classes of Poultry [Doc. No.: FSIS-2007-0048] (RIN: 0583-AC83) received January 3, 2012.

E.C. 4802—Feb. 2, 2012: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Lists of Regions Classified With Respect to Certain Animal Diseases and States Approved To Receive Certain Imported Horses [Doc. No.: APHIS-2009-0035] (RIN: 0579-AD05) received January 10, 2012.

E.C. 4803—Feb. 2, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—*Bacillus subtilis* strain CX-9060; Ex-

emption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0104; FRL-9330-9] received January 11, 2012.

E.C. 4856—Feb. 6, 2012: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—European Larch Canker; Expansion of Regulated Areas [Doc. No.: APHIS-2011-0029] received January 10, 2012.

E.C. 4876—Feb. 7, 2012: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule—Real-Time Public Reporting of Swap Transaction Data (RIN: 3038-AD08) received February 7, 2012.

E.C. 4877—Feb. 7, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—*Bacillus amyloliquefaciens* strain D747; Exemption from the Requirement of a Tolerance; Technical Correction [EPA-HQ-OPP-2010-0944; FRL-9334-3] received January 17, 2012.

E.C. 4905—Feb. 8, 2012: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule—Swap Data record-keeping and Reporting Requirements (RIN: 3038-AD19) received January 12, 2012.

E.C. 4906—Feb. 8, 2012: A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—New Animal Drugs; Cephalosporin Drugs; Extralabel Animal Drug Use; Order of Prohibition [Doc. No.: FDA-2008-N-0326] received January 17, 2012.

E.C. 4935—Feb. 9, 2012: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule—Registration of Swap Dealers and Major Swap Participants (RIN: 3038-AC95) received January 19, 2012.

E.C. 4936—Feb. 9, 2012: A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule—Definitions and Abbreviations (RIN: 0570-AA87) received January 17, 2012.

E.C. 4937—Feb. 9, 2012: A letter from the Director, Credit, Travel and Grants Policy Division, Department of Agriculture, transmitting the Administration's final rule—Implementation of Office of Management and Budget Guidance on Drug-Free Workplace Requirements (RIN: 0505-AA14) received January 10, 2012.

E.C. 4938—Feb. 9, 2012: A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Organization; Standards of Conduct and Referral of Known or Suspected Criminal Violations; Definitions; Disclosure to Shareholders; and Disclosure to Investors in System-wide and Consolidated Bank Debt Obligations of the Farm Credit System; Compensation, Retirement Programs, and Related Benefits (RIN: 3052-AC41) received January 17, 2012.

E.C. 4985—Feb. 14, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Cyazofamid; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2011-0697; FRL-9332-5] received January 24, 2012.

E.C. 4986—Feb. 14, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmit-

ting the Agency's final rule—Etoxazole; Pesticide Tolerances [EPA-HQ-OPP-2010-0968; FRL-9334-9] received January 24, 2012.

E.C. 4987—Feb. 14, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Rimsulfuron; Pesticide Tolerances [EPA-HQ-OPP-2010-1017; FRL-9332-1] received January 24, 2012.

E.C. 5004—Feb. 15, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—*Trichoderma virens* strain G-41; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0053; FRL-9333-5] received January 30, 2012.

E.C. 5055—Feb. 21, 2012: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule—Registration of Swap Dealers and Major Swap Participants (RIN: 3038-AC95) January 26, 2012.

E.C. 5056—Feb. 21, 2012: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule—Protection of Cleared Swaps Customer Contracts and Collateral; Conforming Amendments to the Commodity Broker Bankruptcy Provisions (RIN: Number 3038-AC99) received February 7, 2012.

E.C. 5057—Feb. 21, 2012: A letter from the Director, Program Dev. and Regulatory Analysis, Rural Development Utilities Program, Department of Agriculture, transmitting the Department's final rule—Electric Engineering, Architectural Services, Design Policies and Construction Standards (RIN: 0572-AC20) received January 31, 2012.

E.C. 5058—Feb. 21, 2012: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—National Dairy Promotion and Research Program; Amendments to the Order [Doc. No.: AMS-DA-11-0007; DA-11-02] received January 31, 2012.

E.C. 5059—Feb. 21, 2012: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Irish potatoes Grown in Colorado; Modification of the Handling Regulation for Area No. 3 [Doc. No.: AMS-FV-11-0051; FV11-948-1 FR] received January 31, 2012.

E.C. 5060—Feb. 21, 2012: A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Disclosure to Investors in Systemwide and Consolidated Bank Debt Obligations of the Farm Credit System (RIN: 3052-AC77) received January 31, 2012.

E.C. 5196—Mar. 7, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Indoxacarb; Pesticide Tolerances [EPA-HQ-OPP-2011-0578; FRL-9336-7] received February 7, 2012.

E.C. 5217—Mar. 8, 2012: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule—Business Conduct Standards for Swap Dealers and Major Swap Participants With Counterparties (RIN: 3038-AD25) received February 17, 2012.

E.C. 5218—Mar. 8, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmit-



ting the Agency's final rule—Fluopyram; Pesticide Tolerances [EPA-HQ-OPP-2009-0364; FRL-9336-9] received February 11, 2012.

E.C. 5219—Mar. 8, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Metaflumizone; Pesticide Tolerances [EPA-HQ-OPP-2008-0168; FRL-9333-4] received February 11, 2012.

E.C. 5220—Mar. 8, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Mevinphos; Order Revoking Tolerances [EPA-HQ-OPP-2010-0423; FRL-9338-3] received February 11, 2012.

E.C. 5221—Mar. 8, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Flazasulfuron; Pesticide Tolerances [EPA-HQ-OPP-2010-0494; FRL-8883-1] received February 11, 2012.

E.C. 5252—Mar. 13, 2012: A letter from the Manager, BioPreferred Program, Department of Agriculture, transmitting the Department's final rule—Designation of Biobased Items for Federal Procurement (RIN: 0503-AA39) received February 13, 2012.

E.C. 5253—Mar. 13, 2012: A letter from the Manager, BioPreferred Program, Department of Agriculture, transmitting the Department's final rule—BioPreferred Program (RIN: 0503-AA41) received February 13, 2012.

E.C. 5254—Mar. 13, 2012: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Kiwifruit Grown in California; Change in Reporting Requirements and New Information Collection [Doc. No.: AMS-FV-11-0041; FV11-920-1 FR] received March 2, 2012.

E.C. 5255—Mar. 13, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—*Bacillus thuringiensis* Cry2Ae Protein in Cotton; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0573; FRL-9333-7] received February 2, 2012.

E.C. 5273—Mar. 16, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—*Aureobasidium pullulans* strains DSM 14940 and DSM 14941; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0099; FRL-9337-3] received February 14, 2012.

E.C. 5274—Mar. 16, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—*Pasteuria nishizawae*-Pn1; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0807; FRL-9337-2] received February 14, 2012.

E.C. 5275—Mar. 16, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Spirotetramat; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2011-0783; FRL-9332-9] received February 14, 2012.

E.C. 5341—Mar. 20, 2012: A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting a re-

port on the proposed fiscal year 2013 budget; jointly to the Committees on Agriculture and Oversight and Government Reform.

E.C. 5343—Mar. 21, 2012: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Dairy Product Mandatory Reporting [Doc. No.: AMSDA-10-0089; DA-11-01] (RIN: 0581-AD12) received February 17, 2012.

E.C. 5344—Mar. 21, 2012: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 1 (Scotch) and Class 3 (Native) Spearmint Oil for the 2011–2012 Marketing Year [Doc. Nos.: AMS-FV-10-0094; FV11-985-1A FIR] received February 17, 2012.

E.C. 5345—Mar. 21, 2012: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—National Organic Program (NOP); Amendments to the National List of Allowed and Prohibited Substances (Crops and Processing) [Doc. No.: AMS-NOP-10-0079; NOP-09-02FR] (RIN: 0581-AD06) received February 17, 2012.

E.C. 5346—Mar. 21, 2012: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Revision of Cotton Futures Classification Procedures [Doc. No.: AMS-CN-10-0073; CN-10-005] (RIN: 0581-AD16) received February 17, 2012.

E.C. 5367—Mar. 22, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Pyroxasulfone; Pesticide Tolerances [EPA-HQ-OPP-2009-0717; FRL-9334-2] received February 13, 2012.

E.C. 5427—Mar. 27, 2012: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Importation of Wooden Handicrafts From China [Doc. No.: APHIS-2007-0117] (RIN: 0597-AC90) received March 2, 2012.

E.C. 5428—Mar. 27, 2012: A letter from the Management and Program Analyst, Department of Agriculture, transmitting the Department's final rule—Community Forest and Open Space Conservation Program (RIN: 0596-AC84) received March 14, 2012.

E.C. 5502—Mar. 30, 2012: A letter from the Secretary, Department of Agriculture, transmitting the Department's report entitled, "2011 Packers and Stockyards Program Annual Report"; to the Committee on Agriculture.

E.C. 5503—Mar. 30, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Penthiopyrad; Pesticide Tolerances [EPA-HQ-OPP-2010-0349; FRL-9335-7] received March 7, 2012.

E.C. 5504—Mar. 30, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—*Aspergillus flavus* AF36; Amendment to an Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0158; FRL-9341-5] received March 9, 2012.

E.C. 5505—Mar. 30, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmit-

ting the Agency's final rule—Pyriofenone; Pesticide Tolerances [EPA-HQ-OPP-2010-0659; FRL-9336-6] received March 9, 2012.

E.C. 5522—Apr. 16, 2012: A letter from the Chief Information Officer, Department of Agriculture, transmitting the Department's final rule—Modification of Interlibrary Loan Fee Schedule (RIN: 0518-AA04) received March 22, 2012.

E.C. 5523—Apr. 16, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—2-Propenoic acid, 2-methyl-, 2-ethylhexyl ester, telomere with 1-dodecanethiol, ethenylbenzene and 2-methyloxirane polymer with oxirane monoether with 1,2-propanediol mono(2-methyl-2-propenoate), hydrogen 2-sulfobutanedioate, sodium salt, 2, 2'-(1,2-diazenediyl)bis[[2-ethylpropanenitrile] initiated; Tolerance Exception [EPA-HQ-OPP-2011-0975; FRL-9339-9] received March 28, 2012.

E.C. 5524—Apr. 16, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Acetamiprid; Pesticide Tolerances [EPA-HQ-OPP-2011-0403; FRL-9340-7] received March 28, 2012.

E.C. 5658—Apr. 17, 2012: A letter from the Director, Policy Issuances Division, Office of Policy and Program Development, Department of Agriculture, transmitting the Department's final rule—Changes to the Schedule of Operations Regulations [Doc. No.: FSIS-2010-0014] (RIN: 0583-AD35) received March 28, 2012.

E.C. 5659—Apr. 17, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—*Bacillus pumilus* strain GHA 180; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0536; FRL-9343-1] received March 23, 2012.

E.C. 5689—Apr. 19, 2012: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule—Customer Clearing Documentation, Timing of Acceptance for Clearing, and Clearing Member Risk Management (RIN: 3038-0092, -0094) received April 10, 2012.

E.C. 5690—Apr. 19, 2012: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule—Commodity Pool Operators and Commodity Trading Advisors: Compliance Obligations (RIN: 3038-AD30) received March 26, 2012.

E.C. 5691—Apr. 19, 2012: A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Tuberculosis in Cattle and Bison; State and Zone Designations; NM; Correction [Doc. No.: APHIS-2008-0124] received March 26, 2012.

E.C. 5692—Apr. 19, 2012: A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule—Common Crop Insurance Regulations; Onion Crop Insurance Provisions [Doc. No.: FCIC-11-0004] (RIN: 0563-AC29) received March 26, 2012.

E.C. 5766—Apr. 25, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Silicic Acid, Sodium Salt *etc.*; Tolerance Exemption [EPA-HQ-OPP-2011-0934; FRL-9333-6] received April 11, 2012.

E.C. 5797—Apr. 26, 2012: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule—Swap Dealer and Major Swap Participant record-keeping, Reporting, and Duties Rules; Futures Commission Merchant and Introducing Broker Conflicts of Interest Rules; and Chief Compliance Officer Rules for Swap Participants, and Futures Commission Merchants (RIN: 3038-AC96) received April 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

E.C. 5827—Apr. 27, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—2-Ethyl-1-hexanol; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0604; FRL-9342-5] received April 4, 2012.

E.C. 5828—Apr. 27, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Acibenzolar-S-methyl; Pesticide Tolerances [EPA-HQ-OPP-2011-0086; FRL-9343-3] received April 4, 2012.

E.C. 5858—May 7, 2012: A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Conservation Loan Program (RIN: 0560-AI04) received April 2, 2012.

E.C. 5917—May 8, 2012: A letter from the Management and Program Analyst, Department of Agriculture, transmitting the Department's final rule—National Forest System Land Management Planning (RIN: 0596-AD02) received April 19, 2012.

E.C. 5945—May 10, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Thiamethoxam; Pesticide Tolerances [EPA-HQ-OPP-2010-1079; FRL-9331-8] received February 18, 2012.

E.C. 5946—May 10, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Trifloxystrobin; Pesticide Tolerances [EPA-HQ-OPP-2011-0138; FRL-9336-5] received February 18, 2012.

E.C. 5947—May 10, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Trinexapac-ethyl; Pesticide Tolerances [EPA-HQ-OPP-2010-0524; FRL-9337-9] received February 18, 2012.

E.C. 6021—May 16, 2012: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Importation of Pomegranates From Chile Under a Systems Approach [Doc. No.: APHIS-2010-0024] (RIN: 0579-AD38) received April 18, 2012.

E.C. 6022—May 16, 2012: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Importation of Fresh Pitaya Fruit From Central America Into the Continental United States [Doc. No.: APHIS-2010-0113] (RIN: 0579-AD40) received April 18, 2012.

E.C. 6023—May 16, 2012: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Importation of Clementines From Spain;

Amendment to Inspection Provisions [Doc. No.: APHIS-2010-0036] (RIN: 0579-AD27) received April 18, 2012.

E.C. 6026—May 16, 2012: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Additions to Quarantined Areas in Massachusetts [Doc. No.: APHIS-2010-0128] received April 18, 2012.

E.C. 6048—May 17, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Quizalofop Ethyl: Pesticide Tolerances [EPA-HQ-OPP-2010-1018; FRL-9340-5] received April 18, 2012.

E.C. 6069—May 18, 2012: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Golden Nematode; Removal of Regulated Areas [Doc. No.: APHIS-2011-0036] received April 19, 2012.

E.C. 6070—May 18, 2012: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Karnal Bunt; Regulated Areas in California [Doc. No.: APHIS-2011-0074] received April 19, 2012.

E.C. 6103—May 25, 2012: A letter from the Acting Director—National Institute of Food and Agriculture, Department of Agriculture, transmitting the Department's final rule—Hispanic-Serving Agricultural Colleges and Universities (HSACU) Certification Process (RIN: 0524-AA39) received April 26, 2012.

E.C. 6133—May 29, 2012: A letter from the Manager, BioPreferred Program, Department of Agriculture, transmitting the Department's final rule—Designation of Product Categories for Federal Procurement (RIN: 0599-AA14) received April 13, 2012.

E.C. 6134—May 29, 2012: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Dried Prunes Produced in California; Decreased Assessment Rate [Doc. No.: AMS-FV-11-0068; FV11-993-1 FIR] received April 27, 2012.

E.C. 6135—May 29, 2012: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Revision of Cotton Classification Procedures for Determining Cotton Leaf Grade [Doc. No.: AMSCN-11-0066] (RIN: 0581-AD19) received April 24, 2012.

E.C. 6136—May 29, 2012: A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Upland Cotton Base Quality (RIN: 0560-AI16) received April 11, 2012.

E.C. 6137—May 29, 2012: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Mango Promotion, Research, and Information Order; Assessment Increase [Doc. No.: AMS-FV-11-0021] received April 27, 2012.

E.C. 6138—May 29, 2012: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 1 (Scotch) Spearmint Oil for the 2011-2012 Marketing Year [Doc. No.: AMS-FV-10-0094; FV11-985-1B 1R] received April 27, 2012.

E.C. 6139—May 29, 2012: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Pistachios Grown in California, Arizona, and New Mexico; Decreased Assessment Rate [Doc. No.: AMS-FV-11-0077; FV11-983-2 FIR] received April 27, 2012.

E.C. 6140—May 29, 2012: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Pears Grown in Oregon and Washington; Assessment Rate Decrease for Fresh Pears [Doc. No.: AMS-FV-11-0060; FV11-927-2 FIR] received April 27, 2012.

E.C. 6141—May 29, 2012: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Pears Grown in Oregon and Washington; Assessment Rate Decrease for Processed Pears [Doc. No.: AMS-FV-11-0070 FV11-927-3 FIR] received April 27, 2012.

E.C. 6281—Jun. 5, 2012: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule—Further Definition of "Swap Dealer", "Security-Based Swap Dealer", "Major Swap Participant", "Major Security-Based Swap Participant" and "Eligible Contract Participant" [Release No.: 34-66868; File No. S7-39-10] (RIN: 3235-AK65) received May 23, 2012.

E.C. 6321—Jun. 6, 2012: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule—Commodity Options (RIN: 3038-AD62) received April 30, 2012.

E.C. 6322—Jun. 6, 2012: A letter from the Administrator, Rural Housing Service, Department of Agriculture, transmitting the Department's final rule—Community Facility Loans (RIN: 0575-AC78) received May 9, 2012.

E.C. 6323—Jun. 6, 2012: A letter from the Deputy Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—Specification for 15 kV and 25 kV Primary Underground Power Cable received May 1, 2012.

E.C. 6324—Jun. 6, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Acequinocyl; Pesticide Tolerances [EPA-HQ-OPP-2011-0449; FRL-9346-4] received May 1, 2012.

E.C. 6325—Jun. 6, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Thiamethoxam; Pesticide Tolerances; Technical Correction [EPA-HQ-OPP-2010-1079; FRL-9344-9] received May 1, 2012.

E.C. 6326—Jun. 6, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fluoxastrobin; Pesticide Tolerances [EPA-HQ-OPP-2009-0677; FRL-9345-3] received May 1, 2012.

E.C. 6327—Jun. 6, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Dimethomorph; Pesticide Tolerances [EPA-HQ-OPP-2011-2011-0388; FRL-9346-6] received May 1, 2012.

E.C. 6328—Jun. 6, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmit-

ting the Agency's final rule—Metconazole; Pesticide Tolerances [EPA-HQ-OPP-2011-0179; FRL-9345-6] received May 1, 2012.

E.C. 6329—Jun. 6, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Carfentrazone-ethyl; Pesticide Tolerances [EPA-HQ-OPP-2011-0428; FRL-9346-5] received May 1, 2012.

E.C. 6330—Jun. 6, 2012: A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—General Provisions; Operating and Strategic Business Planning (RIN: 3052-AC66) received May 9, 2012.

E.C. 6381—Jun. 8, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Acetone; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0039; FRL-3944-2] received May 11, 2012.

E.C. 6382—Jun. 8, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fluxapyroxad; Pesticide Tolerances [EPA-HQ-OPP-2010-0421; FRL-9346-7] received May 11, 2012.

E.C. 6383—Jun. 8, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Penflufen; Pesticide Tolerances [EPA-HQ-OPP-2010-0425; FRL-9341-8] received May 11, 2012.

E.C. 6384—Jun. 8, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Propylene oxide; Tolerance Actions [EPA-HQ-OPP-2005-0253; FRL-9346-8] (RIN: 2070-ZA16) received May 11, 2012.

E.C. 6476—Jun. 19, 2012: A letter from the Director, Office of Procurement and Property Management, Department of Agriculture, transmitting the Department's final rule—Guidelines for the Transfer of Excess Computers or Other Technical Equipment Pursuant to Section 14220 of the 2008 Farm Bill (RIN: 0599-AA13) received May 15, 2012.

E.C. 6477—Jun. 19, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—1-Naphthaleneacetic acid; Pesticide Tolerances [EPA-HQ-OPP-2004-0144; FRL-9346-9] (RIN: 2070-ZA16) received May 8, 2012.

E.C. 6478—Jun. 19, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—a-(p-Nonylphenol)-whydroxypoly(oxyethylene) Sulfate and Phosphate Esters; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0526; FRL-9340-2] received May 8, 2012.

E.C. 6479—Jun. 19, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—a-[p-(1,1,3,3-Tetramethylbutyl)phenyl]-whydroxypoly(oxyethylene) Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0525; FRL-9340-1] received May 8, 2012.

E.C. 6480—Jun. 19, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmit-

ting the Agency's final rule—Ametoctradin; Pesticide Tolerances [EPA-HQ-OPP-2010-0261; FRL-9339-7] received May 8, 2012.

E.C. 6555—Jun. 21, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule—Acibenzolar-S-methyl; Time-Limited Pesticide Tolerances [EPA-HQ-OPP-2011-0674; FRL-9349-3] received May 22, 2012.

E.C. 6575—Jun. 25, 2012: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Horse Protection Act; Requiring Horse Industry Organizations To Assess and Enforce Minimum Penalties for Violations [Doc. No.: APHIS-2011-0030] (RIN: 0579-AD43) received June 12, 2012.

E.C. 6576—Jun. 25, 2012: A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Quarantined Areas in Massachusetts, Ohio, and New York [Doc. No.: APHIS-2012-0003] received June 4, 2012.

E.C. 6577—Jun. 25, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fenamidone; Pesticide Tolerance; Technical Amendment [EPA-HQ-OPP-2006-0848; FRL-9351-5] received June 1, 2012.

E.C. 6658—Jun. 27, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Killed, nonviable *Streptomyces acidiscabies* strain RL-110T; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0078; FRL-9348-7] received June 8, 2012.

E.C. 6738—Jul. 9, 2012: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule—Core Principles and Other Requirements for Designated Contract Markets (RIN: 3038-AD09) received June 19, 2012.

E.C. 6792—Jul. 10, 2012: A letter from the Director, Program Development and Regulatory Analysis, Rural Development Utilities Programs, Department of Agriculture, transmitting the Department's final rule—Substantially under-served Trust Areas (SUTA) (RIN: 0572-AC23) received June 21, 2012.

E.C. 6793—Jul. 10, 2012: A letter from the Acting Director, Legislative Affairs Division, Department of Agriculture, transmitting the Department's final rule—Appeal Procedures [Doc. No.: NRCS-2011-0017] (RIN: 0578-AA59) received June 13, 2012.

E.C. 6794—Jul. 10, 2012: A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Section and Functions of Farm Service Agency State and County Committees (RIN: 0560-AG90) received June 13, 2012.

E.C. 6795—Jul. 10, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Methyl bromide; Pesticide Tolerances [EPA-HQ-OPP-2012-0245; FRL-9352-4] (RIN: 2070-ZA16) received June 13, 2012.

E.C. 6832—Jul. 11, 2012: A letter from the Secretary of the Commission, Commodity Futures Trading Commission, transmitting



the Commission's final rule—Customer Clearing Documentation, Timing of Acceptance for Clearing, and Clearing Member Risk Management; Core Principles and Other Requirements for Designated Contract Markets; Correction (RIN: 3038-0092, -0094) received June 25, 2012.

E.C. 6833—Jul. 11, 2012: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule—Swap Data record-keeping and Reporting Requirements: Pre-Enactment and Transition Swaps [3038-AD48] received June 15, 2012.

E.C. 6834—Jul. 11, 2012: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Highly Pathogenic Avian Influenza [Doc. No.: APHIS-2006-0074] (RIN: 0579-AC36) received June 14, 2012.

E.C. 6835—Jul. 11, 2012: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Importation of Tomatoes From the Economic Community of West African States Into the Continental United States [Doc. No.: APHIS-2011-0012] (RIN: 0579-AD48) received June 14, 2012.

E.C. 6836—Jul. 11, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Cyflufenamid; Pesticide Tolerances [EPA-HQ-OPP-2009-0029; FRL-9352-5] received June 27, 2012.

E.C. 6837—Jul. 11, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Propiconazole; Pesticide Tolerances [EPA-HQ-OPP-2011-0397; FRL-9350-9] received June 27, 2012.

E.C. 6912—Jul. 13, 2012: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Chronic Wasting Disease Herd Certification Program and Interstate Movement of Farmed or Captive Deer, Elk, and Moose [Doc. No.: 00-108-8] (RIN: 0579-AB35) received June 14, 2012.

E.C. 6932—Jul. 17, 2012: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Importation of *Dracaena* Plants From Costa Rica [Doc. No.: APHIS-2011-0073] (RIN: 0579-AD54) received June 28, 2012.

E.C. 6933—Jul. 17, 2012: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, *et al.*; Final Free and Restricted Percentages for the 2011-12 Crop Year for Tart Cherries [Doc. No.: AMS-FV-11-0085; FV11-930-3 FR] received June 28, 2012.

E.C. 6934—Jul. 17, 2012: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Pistachios Grown in California, Arizona, and New Mexico; Order Amending Marketing Order No. 983 [Doc. No.: AMS-FV-10-0099; FV11-983-1 FR] received June 28, 2012.

E.C. 6935—Jul. 17, 2012: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Domestic Dates Produced or Packed in Riverside County, CA: Order Amending Marketing Order 987 [Doc. No.: AMS-FV-10-0025; FV10-987-1 FR] received June 28, 2012.

E.C. 6947—Jul. 18, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—1,2-Ethanediamine, N1-(2-aminoethyl)-, polymer with 2, 4-diisocyanato-1-methylbenzene; Tolerance Exemption [EPA-HQ-OPP-2012-0014; FRL-9349-1] received June 29, 2012.

E.C. 6948—Jul. 18, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—2,6-Diisopropyl-naphthalene (2,6-DIPN) and its metabolites and degradates; Pesticide Tolerances [EPA-HQ-OPP-2009-0802; FRL-9350-4] received June 29, 2012.

E.C. 6949—Jul. 18, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Natamycin; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0727; FRL-9349-2] received June 29, 2012.

E.C. 6950—Jul. 18, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Prohydrojasmon; Amendment of Temporary Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0048; FRL-9347-9] received June 29, 2012.

E.C. 6977—Jul. 19, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Sedaxane; Pesticide Tolerances [EPA-HQ-OPP-2010-0615; FRL-9345-8] received June 10, 2012.

E.C. 7011—Jul. 23, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin; Pesticide Tolerances [EPA-HQ-OPP-2011-0398; FRL-9352-2] received June 10, 2012.

E.C. 7012—Jul. 23, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Dicloran and Formetanate; Tolerance Actions [EPA-HQ-OPPT-2011-0507; FRL-9353-7] (RIN: 2070-ZA16) received June 10, 2012.

E.C. 7013—Jul. 23, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Methoxyfenozide; Pesticide Tolerances [EPA-HQ-OPP-2011-0343; FRL-9354-1] received June 10, 2012.

E.C. 7014—Jul. 23, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Sulfentrazone; Pesticide Tolerances [EPA-HQ-OPP-2011-0758; FRL-9353-8] received June 10, 2012.

E.C. 7031—Jul. 24, 2012: A letter from the Under Secretary Rural Housing Service, Department of Agriculture, transmitting the Department's final rule—Single Family Housing Guaranteed Loan Program (RIN: 0575-AC90) received July 9, 2012.

E.C. 7032—Jul. 24, 2012: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, *et al.*; Increasing the Primary Reserve Capacity and Revising Exemption Requirements [Doc. No.: AMS-FV-11-0092; FV12-930-1 FR] received July 12, 2012.

E.C. 7033—Jul. 24, 2012: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Avocados Grown in South Florida; Decreased Assessment

Rate [Doc. No.: AMS-FV-11-0094; FV12-915-1 IR] received July 12, 2012.

E.C. 7069—Jul. 25, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—*Pasteuria* spp. (*Rotylenchulus reniformis* nematode)-Pr3; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0805; FRL-9353-5] received July 3, 2012.

E.C. 7070—Jul. 25, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Synchronizing the Expiration Dates of the Pesticide Applicator Certificate with the Underlying State or Tribal Certificate [EPA-HQ-OPP-2011-0049; FRL-9334-4] (RIN: 2070-AJ00) received July 3, 2012.

E.C. 7135—Jul. 31, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Trifloxystrobin; Pesticide Tolerance [EPA-HQ-OPP-2011-0458; FRL-9354-8] received July 19, 2012.

E.C. 7136—Jul. 31, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Difenoconazole; Pesticide Tolerances [EPA-HQ-OPP-2011-0300; FRL-9354-9] received July 19, 2012.

E.C. 7205—Aug. 7, 2012: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule—Swap Transaction Compliance and Implementation Schedule: Clearing Requirement Under Section 2(h) of the CEA (RIN: 3038-AD60) received July 30, 2012.

E.C. 7206—Aug. 7, 2012: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule—End-User Exception to the Clearing Requirement for Swaps (RIN: 3038-AD10) received July 3, 2012.

E.C. 7207—Aug. 7, 2012: A letter from the Under Secretary, Rural Development, Department of Agriculture, transmitting the Department's final rule—Federal Deposit Insurance Corporation Limit Change (RIN: 0575-AC94) received July 23, 2012.

E.C. 7208—Aug. 7, 2012: A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule Disaster Designation Process (RIN: 0560-AH17) received July 23, 2012.

E.C. 7209—Aug. 7, 2012: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Irradiation Treatment; Location of Facilities in the Southern United States [Doc. No.: APHIS-2009-0100] (RIN: 0579-AD35) received July 23, 2012.

E.C. 7210—Aug. 7, 2012: A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Information From Foreign Regions Applying for Recognition of Animal Health Status [Doc. No.: APHIS-2007-0158] (RIN: 0579-AD30) received August 1, 2012.

E.C. 7211—Aug. 7, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Acetamiprid; Pesticide Tolerances [EPA-HQ-OPP-2011-0792; FRL-9352-8] received July 25, 2012.

E.C. 7212—Aug. 7, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmit-

ting the Agency's final rule—Pyrimethanil; Pesticide Tolerances [EPA-HQ-OPP-2011-0477; FRL-9354-7] received July 25, 2012.

E.C. 7213—Aug. 7, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Titanium Dioxide; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0829; FRL-9354-6] received July 25, 2012.

E.C. 7214—Aug. 7, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—2-Methyl-1,3-propanediol; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2012-0031; FRL-9352-6] received August 1, 2012.

E.C. 7215—Aug. 7, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fluxapyroxad; Pesticide Tolerances Technical Amendment [EPA-HQ-OPP-2010-0421; FRL-9355-6] received August 1, 2012.

E.C. 7216—Aug. 7, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Rimsulfuron; Pesticide Tolerances [EPA-HQ-OPP-2011-0563; FRL-9355-5] received August 1, 2012.

E.C. 7217—Aug. 7, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—2-Methyl-1,3-propanediol; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2012-0031; FRL-9352-6] received August 2, 2012.

E.C. 7218—Aug. 7, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fluxapyroxad; Pesticide Tolerances Technical Amendment [EPA-HQ-OPP-2010-0421; FRL-9355-6] received August 2, 2012.

E.C. 7219—Aug. 7, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Rimsulfuron; Pesticide Tolerances [EPA-HQ-OPP-2011-0563; FRL-9355-5] received August 2, 2012.

E.C. 7426—Aug. 7, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Technical Correction to Organizational Names, Addresses, and OMB Control Numbers [EPA-HQ-OPPT-2010-0629; FRL-8846-7] received August 2, 2012.

E.C. 7439—Sep. 10, 2012: A letter from the Branch Chief, Planning and Regulatory Affairs, Department of Agriculture, transmitting the Department's final rule—Supplemental Nutrition Assistance Program: Disqualified Recipient Reporting and Computer Matching Requirements received August 28, 2012.

E.C. 7440—Sep. 10, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—*Bacillus thuringiensis* eCry3.1Ab Protein in Corn; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2012-0109; FRL-9357-4] received August 7, 2012.

E.C. 7441—Sep. 10, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Flutriafol; Pesticide Tolerances [EPA-HQ-OPP-2010-0875; FRL-9348-8] received August 7, 2012.

E.C. 7442—Sep. 10, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Paraquat Dichloride; Pesticide Tolerances [EPA-HQ-OPP-2010-0637; FRL-9357-1] received August 7, 2012.

E.C. 7443—Sep. 10, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Residues of Didecyl dimethyl ammonium chloride; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0139; FRL-9356-6] received August 7, 2012.

E.C. 7444—Sep. 10, 2012: A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Farm Credit Administration Board Meetings; Organization; Standards of Conduct and Referral of Suspected or Known Criminal Violations; Definitions; Disclosure to Shareholders; Accounting and Reporting Requirements; Rules of Practice and Procedure; Practice Before the Farm Credit Administration; and Disclosure to Investors in System-wide and Consolidated Bank Debt Obligations of the Farm Credit System; Unincorporated Business Entities (RIN: 3052-AC65) received August 28, 2012.

E.C. 7635—Sep. 13, 2012: A letter from the Director, Program Development and Regulatory Analysis, Department of Agriculture, transmitting the Department's final rule—Water and Waste Disposal Loans and Grants (RIN: 0572-AC26) received August 20, 2012.

E.C. 7674—Sep. 13, 2012: A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 2011 annual report on the operation of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act; jointly to the Committees on Foreign Affairs and Agriculture.

E.C. 7715—Sep. 18, 2012: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule—Registration of Intermediaries (RIN: 3038-AC96) received September 4, 2012.

E.C. 7716—Sep. 18, 2012: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule—Further Definition of "Swap", "Security-Based Swap", and "Security-Based Swap Agreement": Mixed Swaps; Security-Based Swap Agreement record-keeping [Release No.: 33-9338; 34-67453; File No. S7-16-11] (RIN: 3235-AK65) received August 13, 2012.

E.C. 7717—Sep. 18, 2012: A letter from the Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final rule—Food Distribution Program on Indian Reservations: Administrative Funding Allocations [FNS-2012-0020] (RIN: 0584-AD85) received September 12, 2012.

E.C. 7718—Sep. 18, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Nitric Acid; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2012-0116; FRL-9338-2] received August 28, 2012.

E.C. 7719—Sep. 18, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Pendimethalin; Pesticide Tolerances

[EPA-HQ-OPP-2011-0521; FRL-9360-5] received August 28, 2012.

E.C. 7720—Sep. 18, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Pesticides; Microbial Pesticide Definitions and Applicability; Clarification and Availability of Test Guideline [EPA-HQ-OPP-2010-0670; FRL-9338-9] (RIN: 2070-AJ80) received August 28, 2012.

E.C. 7721—Sep. 18, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Thifensulfuron Methyl; Pesticide Tolerances [EPA-HQ-OPP-2011-0564; FRL-9360-2] received August 28, 2012.

E.C. 7722—Sep. 18, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Pesticide Tolerances [EPA-HQ-OPP-2009-1008; FRL-9361-6] received September 13, 2012.

E.C. 7723—Sep. 18, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Cloyralid; Pesticide Tolerances [EPA-HQ-OPP-2011-0569; FRL-9361-5] received September 13, 2012.

E.C. 7847—Sep. 19, 2012: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Beef Promotion and Research; Amendment to the Order [Doc. No.: AMS-LS-11-0086] received September 7, 2012.

E.C. 7848—Sep. 19, 2012: A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Cranberries Grown in States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Changing Reporting Requirements [Doc. No.: AMS-FV-12-0002; FV12-929-1 IR] received September 7, 2012.

E.C. 7849—Sep. 19, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Clothianidin; Pesticide Tolerances [EPA-HQ-OPP-2010-0217; FRL-9360-4] received August 24, 2012.

E.C. 7850—Sep. 19, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fludioxonil; Pesticide Tolerances [EPA-HQ-OPP-2011-0395; FRL-9357-5] received August 24, 2012.

E.C. 7851—Sep. 19, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Flutriafol; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2012-0324; FRL-9349-6] received August 24, 2012.

E.C. 7852—Sep. 19, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—S-Metolachlor; Pesticide Tolerances [EPA-HQ-OPP-2011-0657; FRL-9356-9] received August 24, 2012. September 20, 2012

E.C. 7904—Sep. 19, 2012: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commis-

sion's final rule—End-User Exception to the Clearing Requirement for Swaps (RIN: 3038-AD10) received August 13, 2012.

E.C. 7905—Sep. 19, 2012: A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule—Swap Transaction Compliance and Implementation Schedule: Clearing Requirement Under Section 2(h) of the CEA (RIN: 3038-AD60) received August 13, 2012.

E.C. 7906—Sep. 19, 2012: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Olives Grown in California; Increased Assessment Rate [Doc. No.: AMS-FV-11-0093; FV12-932-1 FR] received September 7, 2012.

E.C. 7907—Sep. 19, 2012: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Milk in the Mideast Marketing Area; Order Amending the Order [Doc. No.: AO-11-0333; AMS-DA-11-0067; DA-11-04] received September 7, 2012.

E.C. 7908—Sep. 19, 2012: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Specialty Crops; Import Regulations; New Pistachio Import Requirements [Doc. No.: AMS-FV-09-0064; FV09-999-1 FR] received September 7, 2012.

E.C. 7909—Sep. 19, 2012: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports [Doc. No.: AMS-CN-11-0091] received September 7, 2012.

E.C. 7910—Sep. 19, 2012: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—National Organic Program (NOP); Sunset Review (2012); Correction [Doc. No.: AMS-NOP-09-0074; NOP-09-01FR] (RIN: 0581-AC96) received September 7, 2012.

E.C. 7911—Sep. 19, 2012: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—National Organic Program; Amendments to the National List of Allowed and Prohibited Substances (Crops, Livestock and Processing) [Doc. No.: AMS-NOP-11-0058; NOP-11-09FR] (RIN: 0581-AD15) received September 7, 2012.

E.C. 7912—Sep. 19, 2012: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Tomatoes Grown in Florida; Increased Assessment Rate [Doc. No.: AMS-FV-11-0080; FV11-966-1 FR] received September 7, 2012.

E.C. 7913—Sep. 19, 2012: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Livestock Mandatory Reporting Program; Establishment of the Reporting Regulation for Wholesale Pork [Doc. No.: AMS-LS-11-0049] (RIN: 0581-AD07) received September 7, 2012.

E.C. 7914—Sep. 19, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Dinotefuran; Pesticide Tolerances [EPA-HQ-OPP-2011-0433; FRL-9359-6] received September 7, 2012.

E.C. 7915—Sep. 19, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmit-

ting the Agency's final rule—Polyoxin D zinc salt; Amendment to an Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-1028; FRL-9360-6] (RIN: 2070) received September 7, 2012.

E.C. 7916—Sep. 19, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Cyprodinil; Pesticide Tolerances [EPA-HQ-OPP-2011-0394; FRL-9359-7] received September 7, 2012.

E.C. 7963—Sep. 21, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Flumioxazin; Pesticide Tolerances [EPA-HQ-OPP-2011-0593; FRL-9358-3] received September 20, 2012.

E.C. 7964—Sep. 21, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Cyazofamid; Pesticide Tolerances [EPA-HQ-OPP-2011-0906; FRL-9361-8] received September 20, 2012.

E.C. 7965—Sep. 21, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Didecyl Dimethyl Ammonium Carbonate and Didecyl Dimethyl Ammonium Bicarbonate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0950; FRL-9359-5] received August 21, 2012.

E.C. 7966—Sep. 21, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Pesticide Tolerance Crop Grouping Program III; Revisions to General Tolerance Regulations [EPA-HQ-OPP-2006-0766; FRL-9354-3] (RIN: 2070-AJ28) received August 21, 2012.

E.C. 8021—Sep. 28, 2012: A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Quarantined Areas in Massachusetts, Ohio and New York [Doc. No.: APHIS-2012-0003] received September 25, 2012.

E.C. 8028—Oct. 2, 2012: A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Plum Pox Compensation [Doc. No.: APHIS-2011-0004] (RIN: 0579-AD58) received September 25, 2012.

E.C. 8029—Oct. 2, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Glufosinate ammonium; Pesticide Tolerances [EPA-HQ-OPP-2009-0813; FRL-9363-6] received September 25, 2012.

E.C. 8048—Oct. 9, 2012: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Irradiation Treatment; Location of Facilities in the Southern United States; Technical Amendment [Doc. No.: APHIS-2009-0100] (RIN: 0579-AD35) received September 27, 2012.

E.C. 8049—Oct. 9, 2012: A letter from the Administrator, Department of Agriculture, transmitting the Department's "Major" final rule—National Organic Program (NOP); Sunset Review (2012)



for Nutrient Vitamins and Minerals [Doc. No.: AMS-NOP-10-0083; NOP-10-091R] (RIN: 0581-AD17) received October 2, 2012.

E.C. 8050—Oct. 9, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Chlorantraniliprole; Pesticide Tolerances [EPA-HQ-OPP-2012-0029; FRL-9362-5] received September 28, 2012.

E.C. 8051—Oct. 9, 2012: A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Disclosure to Investors in System-wide and Consolidated Bank Debt Obligations of the Farm Credit System; System Audit Committee (RIN: 3052-AC77) received October 2, 2012.

E.C. 8068—Oct. 9, 2012: A letter from the Management and Program Analyst, Department of Agriculture, transmitting the Department's final rule—Prohibitions Governing Fire (RIN: 0596-AD08) received September 27, 2012.

E.C. 8069—Oct. 12, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Butylate, Clethodim, Dichlorvos, Dicofol, Isopropyl carbanilate, *et al.*; Tolerance Actions [EPA-EPA-HQ-OPP-2012-0171; FRL-9358-8] (RIN: 2070-ZA16) received September 26, 2012.

E.C. 8070—Oct. 12, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Sulfoxaflo; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2012-0493; FRL-9361-4] received September 26, 2012.

E.C. 8071—Oct. 12, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Sulfentrazone; Pesticide Tolerances [EPA-HQ-OPP-2011-0758; FRL-9363-3] received September 26, 2012.

E.C. 8088—Oct. 16, 2012: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—National Organic Program (NPO); Amendment to the National List of Allowed and Prohibited Substances (Livestock) [Doc. No.: AMS-NOP-11-0063; NOP-11-11FR] (RIN: 0581-AD018) received October 2, 2012.

E.C. 8089—Oct. 16, 2012: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products; General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service [AMS-DA-10-0055] received October 2, 2012.

E.C. 8090—Oct. 16, 2012: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Citrus Greening and Asian Citrus Psyllid; Quarantine and Interstate Movement Regulations [Doc. No.: APHIS-2008-0015] (RIN: 0579-AC85) received October 2, 2012.

E.C. 8296—Nov. 14, 2012: A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List; Amendments to the Select Agent and Toxin Regulations

[Doc. No.: APHIS-2009-0070] (RIN: 0579-AD09) received October 4, 2012.

E.C. 8297—Nov. 14, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Buprofezin; Pesticide Tolerances [EPA-HQ-OPP-2011-0759; FRL-9364-9] received October 15, 2012.

E.C. 8298—Nov. 14, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Trinexapac-ethyl; Pesticide Tolerances [EPA-HQ-OPP-2010-0524; FRL-9363-4] (RIN: 2070-ZA16) received October 2, 2012.

E.C. 8299—Nov. 14, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Alkyl Amines Polyalkoxylates; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0949; FRL-9361-7] received October 2, 2012.

E.C. 8337—Nov. 15, 2012: A letter from the Director, Policy Issuance Division, Office of Policy and Program Development, Department of Agriculture, transmitting the Department's final rule—Summary of the Final Rule, Additional Changes to the Schedule of Operations Regulations received October 13, 2012.

E.C. 8338—Nov. 15, 2012: A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Investment Management (RIN: 3052-AC50) received November 7, 2012.

E.C. 8378—Nov. 16, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Calcium Gluconate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2012-0131; FRL-9362-4] received October 31, 2012.

E.C. 8379—Nov. 16, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Residues of Fatty Acids, Tall-Oil, Ethoxylated Propoxylated; Tolerance Exemption [EPA-HQ-OPP-2012-0278; FRL-9365-4] received October 31, 2012.

E.C. 8380—Nov. 16, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Trifloxystrobin; Pesticide Tolerances [EPA-HQ-OPP-2012-0225; FRL-9360-9] received October 31, 2012.

E.C. 8381—Nov. 16, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fluoxastrobin; Pesticide Tolerances [EPA-HQ-OPP-2009-0677; FRL-9365-7] received October 22, 2012.

E.C. 8382—Nov. 16, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—a-(p-Nonylphenyl)poly(oxypropylene) block polymer with poly(oxyethylene); Tolerance Exemption [EPA-HQ-OPP-2012-0279; FRL-9365-3] received October 25, 2012.

E.C. 8431—Nov. 27, 2012: A letter from the Director, Policy Issuances Division, Department of Agriculture, transmitting the Department's final rule—Requirements for Official Establishments

to Notify FSIS of Adulterated or Misbranded Product, Prepare and Maintain Written Recall Procedures, and Document Certain Hazard Analysis and Critical Control Point System Plan Reassessments [FDMS Doc. No.: FSIS-2008-0025] (RIN: 0583-AC34) received November 7, 2012.

E.C. 8432—Nov. 27, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Dinotefuran; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2012-0755; FRL-9366-3] received November 8, 2012.

E.C. 8433—Nov. 27, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Xylenesulfonic acid, sodium salt; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0951; FRL-9361-3] received November 8, 2012.

E.C. 8434—Nov. 27, 2012: A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Farmer Mac Investment Management (RIN: 3052-AC56) received November 7, 2012.

E.C. 8469—Nov. 28, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fluazinam; Pesticide Tolerances [EPA-HQ-OPP-2012-0009; FRL-9366-6] received November 2, 2012.

E.C. 8470—Nov. 28, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fluridone; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2012-0756; FRL-9366-8] received November 2, 2012.

E.C. 8471—Nov. 28, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Metconazole; Pesticide Tolerances [EPA-HQ-OPP-2012-0455; FRL-9364-8] received November 2, 2012.

E.C. 8495—Nov. 29, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Dinotefuran; Pesticide Tolerances [EPA-HQ-OPP-2012-0060; FRL-9365-1] received November 14, 2012.

E.C. 8496—Nov. 29, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Flonicamid; Pesticide Tolerances [EPA-HQ-OPP-2011-0985; FRL-9368-7] received November 14, 2012.

E.C. 8534—Dec. 3, 2012: A letter from the Director—National Institute of Food and Agriculture, Department of Agriculture, transmitting the Department's final rule—Hispanic-Serving Agricultural Colleges and Universities (HSACU) (RIN: 0524-AA39) received November 13, 2012.

E.C. 8568—Dec. 4, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fenpropathrin; Pesticide Tolerances [EPA-HQ-OPP-2009-0644; FRL-9366-1] received November 28, 2012.

E.C. 8589—Dec. 5, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Halosulfuron-methyl; Pesticide Tolerances [EPA-HQ-OPP-2011-0781; FRL-9370-6] received November 29, 2012.

E.C. 8590—Dec. 5, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Alkyl(C8-C18) dimethylamidopropylamines; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2012-0106; FRL-9369-2] received November 29, 2012.

E.C. 8707—Dec. 12, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Clodinafop-propargyl; Pesticide Tolerance [EPA-HQ-OPP-2012-0202; FRL-9371-6] received December 4, 2012.

E.C. 8708—Dec. 12, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Picoxystrobin; Pesticide Tolerances [EPA-HQ-OPP-2010-0458; FRL-9370-8] received December 4, 2012.

E.C. 8709—Dec. 12, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Dodine; Pesticide Tolerances [EPA-HQ-OPP-2011-0743; FRL-9364-7] received December 4, 2012.

E.C. 8747—Dec. 13, 2012: A letter from the Manager, BioPreferred Program, Department of Agriculture, transmitting the Department's final rule—Designation of Product Categories for Federal Procurement, Round 9 (RIN: 0599-AA15) received December 5, 2012.

E.C. 8748—Dec. 13, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fenpyroximate; Pesticide Tolerances [EPA-HQ-OPP-2011-0514; FRL-9360-3] received December 6, 2012.

E.C. 8749—Dec. 13, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Buprofezin Pesticide Tolerances; Technical Correction [EPA-HQ-OPP-2011-0759; FRL-9371-3] received December 6, 2012.

E.C. 8750—Dec. 13, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Spirodiclofen; Pesticide Tolerances [EPA-HQ-OPP-2012-0326; FRL-9371-5] received December 6, 2012.

E.C. 8751—Dec. 13, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Zeta Cypermethrin; Pesticide Tolerances [EPA-HQ-OPP-2010-0472; FRL-9371-7] received December 6, 2012.

8856—Dec. 20, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [EPA-HQ-OPP-2012-0825; FRL-9372-1] received December 12, 2012.

8857—Dec. 20, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Flubendiamide; Pesticide Tolerances [EPA-HQ-OPP-2007-0099; FRL-9373-3] received December 11, 2012.

8858—Dec. 20, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Pyriproxyfen; Pesticide Tolerances [EPA-HQ-OPP-2011-1012; FRL-9365-6] received December 11, 2012.

E.C. 8896—Dec. 21, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Pyraflufen-ethyl; Extension of Time-Limited Pesticide Tolerances [EPA-HQ-OPP-2012-0750; FRL-9373-5] received December 10, 2012.

E.C. 8919—Dec. 27, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Chlorantraniliprole; Pesticide Tolerances, Technical Correction [EPA-HQ-OPP-2012-0029; FRL-9367-6] received December 18, 2012.

E.C. 8920—Dec. 27, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Difenzoquat; Data Call-in Order for Pesticide Tolerances [EPA-HQ-OPP-2012-0441; FRL-9372-9] received December 18, 2012.

E.C. 8921—Dec. 27, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Propiconazole; Pesticide Tolerances [EPA-HQ-OPP-2011-0772; FRL-9369-5] received December 18, 2012.

E.C. 8922—Dec. 27, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Quinclorac; Pesticide Tolerances [EPA-HQ-OPP-2012-0010; FRL-9372-4] received December 18, 2012.

E.C. 8923—Dec. 27, 2012: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Spirotetramat; Pesticide Tolerance for Emergency Exemption [EPA-HQ-OPP-2012-0900; FRL-9373-2] received December 18, 2012.

E.C. 8960—Dec. 31, 2012: A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Importation of Live Swine, Swine Semen, Pork, and Pork Products; Estonia, Hungary, Slovakia, and Slovenia [Doc. No.: APHIS-2008-0043] (RIN: 0579-AD20) received December 20, 2012.

#### B. STATUTORY AND SPECIAL REPORTS

USDA: Report on the plans developed by the Animal and Plant Health Inspection Service (APHIS) for funding provided under Section 10201 of the Act for Plant Pest and Disease Management and Disaster Prevention as requested by the Food, Conservation, and Energy Act of 2008. Submitted by USDA, January 11, 2011.

USDA: List of statutory reporting requirements that USDA would like to prioritize or eliminate in order to reduce their administrative burden. Submitted by USDA, January 21, 2011.

USDA: Record of Decision on Glyphosate—Tolerant Alfalfa Events J101 and J163: Request for Nonregulated Status (APHIS decision to fully deregulate Roundup Ready alfalfa). Submitted by USDA, January 28, 2011.

USDA: Annual report describing the activities of the Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products as required by Section 3205(h) of the Food, Conservation, and Energy act of 2008. Submitted by USDA, January 28, 2011.

USDA: Report titled as the “Equitable Relief Report” as required by Section 1613 of the Farm Security and Rural Investment Act of 2002. Submitted by USDA, February 2, 2011.

USDA: Report on implementation of concluded appeals to the National Appeals Division (NAD) from the Farm Service Agency as required by Section 14009 of the Food, Conservation, and Energy Act of 2008. Submitted by USDA January 27, 2011.

FCA: Farm Credit Administration’s Proposed Fiscal Year 2012 Budget and Performance Budget. Submitted by FCA, February 14, 2011.

USDA: Termination notice of Marketing Order 924 (order) regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon, pursuant to section 8c(16)(A) of the Agricultural Marketing Agreement Act of 1937. Submitted by USDA, February 2, 2011.

USDC: Quarterly Report to Congress on activities undertaken by the Department of Commerce pursuant to Section 906(b) of the Trade Sanctions Reform and Export Enhancement Act of 2000. Submitted by the U.S. Department of Commerce, February 7, 2011.

USDA: Charter for the Lake Tahoe Basin Federal Advisory Committee in compliance with P.L. 92–463, the Federal Advisory Committee Act. Submitted by USDA, February 15, 2011.

USDA: Charter for the Forest Research Advisory Committee in compliance with P.L. 92–463, the Federal Advisory Committee Act. Submitted by USDA, February 16, 2011.

GAO: Report on a major rule promulgated by the USDA, Rural Business Cooperative Service and Rural Utilities Service, entitled “Advanced Biofuel Payment Program”, pursuant to section 801(a)(2)(A) of title 5, U.S.C. Submitted by GAO, February 28, 2011.

EPA: Report titled “FY2011–2015 EPA Strategic Plan”, as required by the Government Performance and Results Act of 1993. Submitted by EPA, March 1, 2011.

USDA: Report titled “Rural Development Housing and community Facilities Programs for July through December, 2010” as required by Section 14009 of the Food, Conservation, and Energy Act. Submitted by USDA, February 23, 2011.

USDA: The “2010 Packers and Stockyards Program Annual Report”. Submitted by USDA, March 1, 2011.

GAO: Report on a major rule promulgated by the USDA, Rural Business Cooperative and Rural Utilities Service, “Biorefinery Assistance Guaranteed Loans”, pursuant to section 801(a)(2)(A) of title 5, U.S.C. Submitted by GAO, March 1, 2011.

USDA: Charter for the U.S. Forest Service’s Recreation Resources Advisory Committee and Forest Resource Coordinating

Committee, in compliance with P.L. 92-463, the Federal Advisory Committee Act. Submitted by USDA, March 2, 2011.

USDA: Charter for the National Wildlife Services Advisory Committee, in compliance with P.L. 92-463, the Federal Advisory Committee Act. Submitted by USDA, March 2, 2011.

USDA: The “Annual Crops and the Federal Crop Insurance Program” report as required by section 12030 of the Food, Conservation, and Energy Act of 2008. Submitted by USDA, March 3, 2011.

EPA: Draft copy of a proposed rule entitled “Pesticides Data Requirements for Plant-Incorporated Protectants (PIPs) and Certain Exemptions for PIPS” as required by section 25(a)(3) of the FIFRA Act. Submitted by EPA, March 4, 2011.

USDA: Report on the “Global Effort to Reduce Child Hunger and Increase School Attendance” as directed by Section 3107 of the Farm Security and Rural Investment Act of 2002. Submitted by USDA, March 16, 2011.

USDA: Fiscal Year 2010 Report to Congress on State Payment Statistics Related to Enrollments in Selected Conservation Programs as Required by Section 1241(h) of the Food Security Act of 1985. Submitted by USDA, March 17, 2011.

USDA: Report on the activities of the Agricultural Research Service as required by section 7409 of the 2008 Farm Bill (P.L. 110-246). Submitted by USDA, March 18, 2011.

USDA: Letter to Chairman Lucas from Secretary Thomas J. Vilsack concerning the Department’s of Agriculture’s final Environmental Impact Statement for the petition to grant nonregulated status for Roundup Ready (RR) alfalfa. Submitted by USDA, March 17, 2011.

USDA: Letter approving the proposed McChesney and Steed land purchase referred to as Submission No. 011/03-11. In accordance with requirements in Section 17(b) of the National Forest Management Act of 1976, P.L. 94-588 (90 Stat. 2949). Submitted by USDA, March 18, 2011.

USDI: Two reports: “A National Cohesive Wildland Fire Management Strategy” and “The Federal Land Assistance, Management and Enhancement Act of 2009—Report to Congress” as required by Title V, section 503, of the 2010 Department of the Interior, Environment and Related Agencies Appropriations Act. Submitted by the U.S. Department of the Interior, March 25, 2011.

EPA: Draft copy of proposed rule that will provide several changes and corrections to the Microbial Pesticides data requirements at 40 CFR part 158, subpart V. Section 25(a)(3) of the FIFRA Act. Submitted by EPA, March 11, 2011.

USDA: Letter approving the proposed John Hoskins land exchange referred to as Submission No. 011/3-11. In accordance with the requirements in Section 17(b) of the National Forest Management Act of 1976, P.L. 94-588 (90 Stat. 2949). Submitted by USDA, March 18, 2011.

USDA: Letter approving the proposed South Appalachian Highlands Conservancy land purchase referred to as Submission No. 07/02-11. In accordance with the requirements in Section 17(b) of the National Forest Management Act of 1976, P.L. 94-588 (90 Stat. 2949). Submitted by USDA, March 22, 2011.

USDA: Letter to Chairman Lucas from Secretary Thomas J. Vilsack advising that the Department of Agriculture’s Office of the

Chief Economist will close its one-person weather office in Stoneville, Mississippi. Submitted by USDA, March 24, 2011.

FCSIC: Farm Credit System Insurance Corporation 2011 annual report demonstrating FCSIC's commitment to equal employment opportunity while fulfilling its mission to insure the timely payment of principal and interest on System-wide and consolidated bonds and obligations as required under the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002. Submitted by FCSIC, March 28, 2011.

FCA: Fiscal year 2011 annual report describing the Farm Credit Administration's many advancements in incorporating equal employment opportunity in the performance of its mission to serve U.S. agriculture and rural America as required by the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002. Submitted by FCA, March 28, 2011.

USDA: Appraisal of the status and trends of natural resources on non-Federal lands pursuant to the Soil and Water Resources Conservation Act of 1977. Submitted by USDA, March 30, 2011.

CBO: Review of CBO's activities in 2010 under the Unfunded Mandates Reform Act. Submitted by CBO, March 2011.

CFTC: Report transmitting the fiscal year 2010 Federal Employee Antidiscrimination and Retaliation Act of 2002 for the U.S. Commodity Futures Trading Commission. Submitted by CFTC, March 30, 2011.

USDA: Letter approving the proposed Sumter National Forest Tripartite Exchange, using timber receipts for a land purchase referred to as Submission No. 04/01-11. Pursuant under the authority of the Act of March 1, 1911 (P.L. 61-435; 90 Stat. 2756, as amended; 16 U.S.C. 516); Act of August 20, 1988 (P.L. 100-409; 102 Stat. 1086; 43 U.S.C. 1716, 43 U.S.C. 751.) in accordance with the requirements in Section 17(b) of the National Forest Management Act of 1976, P.L. 94-588 (90 Stat. 2949). Submitted by USDA, March 31, 2011.

EPA: Draft final rule entitled "Data Requirements for Antimicrobial Pesticides" identified in the Regulatory Agenda under RIN 2070-AD30 as required by Section 25(a)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act. Submitted by EPA, April 7, 2011.

GAO: Report on a major rule promulgated by the U.S. Department of Agriculture, Rural Utilities Service, entitled "Rural Broadband Access Loans and Loan Guarantees" pursuant to section 801 (a)(2)(A) of title 5, United States Code. Submitted by GAO, April 7, 2011.

FCA: Letter notifying that the Farm Credit Administration is currently working with several agencies to issue a proposed joint regulation for which they are unable to provide an advance copy of, as required by the Farm Credit Act of 1971. Submitted by FCA, April 7, 2011.

USDA: A report which describes the expenditures for each State under the National Organic Certification Cost-Share Program as required by Section 10301 of the Food, Conservation, and Energy Act of 2008 (P.L. 110-246). Submitted by USDA, April 8, 2011.

CFTC: Joint Study on the Feasibility of Mandating Algorithmic Descriptions for Derivatives pursuant to the requirements of sec-



tion 719 (b)(4) of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Submitted by CFTC, April 8, 2011.

USDA: Annual report for Fiscal Year 2010 required by the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (Public Law 107-174). Submitted by USDA, April 12, 2011.

USHR: Letter from Representatives Frank D. Lucas, Fred Upton, and Sam Graves to the FDA regarding potential regulatory action by the Food and Drug Administration that are of significant concern to the nation's producers, veterinarians and consumers. Submitted by United State House of Representatives, April 12, 2011.

USDA: Letter to Congressmen Kurt Schrader and Tim Holden thanking them and responding to one which they sent that was co-signed on February 16, 2011, supporting the use of domestically grown and produced wood products across the United States. Submitted by USDA, April 20, 2011.

USDC: Report to the Congress the export licensing actions taken by the Department of Commerce's Bureau of Industry and Security relating to exports of agricultural commodities to Cuba during January through March 2011 required by Section 906(b) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA) (Title IX of Pub. L. 106-387). Submitted by USDC, April 21, 2011.

FCA: Final rule adopted by the Farm Credit Administration Board under the provisions of the Farm Credit Act of 1971, amending Title 12, Chapter VI of the *Code of Federal Regulations*. Submitted by FCA, April 21, 2011.

FCA: Proposed amendments to title 12, chapter VI of the *Code of Federal Regulations* as promulgated by the Farm Credit Administration. Submitted by FCA, April 21, 2011.

USDA: Report pursuant to Section 154 of the Farmland Protection Policy Act, 7 U.S.C. 4207. Submitted by USDA, April 27, 2011.

SEC: Letter to Chairman Lucas from U.S. Securities and Exchange Commission concerning the implementation of Title VII of the Dodd-Frank Act. Submitted by USSEC, April 26, 2011.

CFTC: Most recent charter of the Commission's Agricultural Advisory Committee pursuant to Section 9(c) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, §9(c). Submitted by CFTC, April 27, 2011.

USHR: Letter to Secretary Thomas J. Vilsack concerning improving the nutritional profiles of meals served in schools and maintaining participation rates. Submitted by the United States House of Representatives, May 5, 2011.

USHR: Letter to Secretary Thomas J. Vilsack concerning improving the nutritional profiles of meals served in schools and maintaining participation rates. Submitted by the United States House of Representatives, May 5, 2011.

USAID: Report titled "Fiscal Year 2010 Report on U.S. Humanitarian Assistance to North Korea" pursuant to Section 201 of the North Korean Human Rights Act Reauthorization Act of 2008 (P.L. 110-346). Submitted by USAID, May 12, 2011.

Embassy of Mauritius: Letter from Ambassador Somduth Soburun to Chairman Frank D. Lucas informing him of the pivotal economic role the African Growth and Opportunity Act, AGOA, has on sub Saharan Africa, including Mauritius. In particular, the Ambassador wishes to inform the Chairman of the impending expira-

tion of the Third Country Fabric Provision in September 2012. Submitted on May 11, 2011.

USDC: Copy of the Department of Commerce's Performance and Accountability Report for fiscal year 2010. It highlights the Department's efforts to maximize U.S. competitiveness and foster science leadership. Submitted on May 16, 2011.

FCA: Copy of a final rule adopted by the Farm Credit Administration Board under the provisions of the Farm Credit Act of 1971. The rule amends Title 12, Chapter VI of the *Code of Federal Regulations*, which now allows Farm Credit institutions to directly purchase loans to Farmers and other agriculturists from the FDIC. Submitted on May 19, 2011. (056)

FCA: Copy of a final rule adopted by the Farm Credit Administration Board under the provisions of the Farm Credit Act of 1971. The rule amends Title 12, Chapter VI of the *Code of Federal Regulations*, which now permits a lower minimum lending limit on extensions of credit from a Federal Credit System Institution. Submitted on May 19, 2011.

EPA: Draft copy of a proposed rule entitled "Synchronizing the Expiration Dates of EPA Pesticide Applicator Certificates with the Underlying State or Tribal Applicator Certificate" identified with Regulatory Agenda under RIN 2070-AJ77 Section 25(a)(3). Submitted on May 25, 2011.

USDOT: Letter informing Chairman Frank D. Lucas of the activities of the Department under a one year licensing agreement set forth under the Trade Sanctions reform and Export Enhancement Act of 2000. The enclosed report details Exportation activities to Iran and the Sudan from the period between April 1 and June 30, 2010. Submitted on June 1, 2011.

USDA: Report informing Chairman Lucas of the most recent Semi Annual Report to Congress published by the Office of the Inspector General at the Department of Agriculture. The report spans the Department's accomplishments from October 1, 2010, through March 31, 2011. Submitted on June 14, 2011.

USDA: The report contains the appeals to the National Appeals Division from the Risk Management Agency, as is required by Section 14009(b) of the Food, Energy, and Conservation Act of 2008. Submitted on June 14, 2011.

CFTC: Letter to Members of the House and Senate Appropriations Committee regarding the reorganization to structure its staff for implementation of the Dodd-Frank Wall Street Reform and Consumer Protection Act to oversee an increasingly electronic marketplace, and plan for, manage and utilize agency resources pursuant to the Department of Defense and Full-Year Continuing Appropriations Act, 2011. Submitted on May 6, 2011.

USDA: *An Analysis of the Limited Base Acre Provision of the 2008 Farm Act*, prepared by the Economic Research Service in cooperation with Farm Service Agency. Submitted May 24, 2011.

FCA: Farm Credit Administration Strategic Plan, 2011–2016, which was approved by the FCA Board on May 25, 2011. The plan was updated in accordance with the requirements of the Government Performance and Results Act and supersedes the FCA Strategic Plan, 2008–2013, which was approved in 2008. Submitted June 9, 2011.

FCA: An advance notice of proposed rulemaking (ANPRM) by the Farm Credit Administration. The purpose of this ANPRM is to gather information for revising existing Federal Agricultural Mortgage Corporation Risk-Based Capital Stress Test regulation to remove or reduce the reliance on data from credit rating agencies. Submitted June 10, 2011.

USDA: Charters for the following committees: Agricultural Policy Committee Trade, Agricultural Technical Advisory Committee for Trade in Animal and Animal Products; Agricultural Technical Advisory Committee for Trade in Fruits and Vegetables; Agricultural Technical Advisory Committee for Trade in Grain, Feed, and Oilseeds; Agricultural Technical Advisory Committee for Trade in Processed Foods; Agricultural Technical Advisory Committee for Trade in Sweeteners; Agricultural Technical Advisory Committee for Trade in Tobacco, Cotton, and Peanuts National Genetic Resources Advisory Council. Submitted June 17, 2011.

USDA: Recommendation of moving forward with the proposed Laurence Rom purchase referred to as Submission No. 18/6-27. In accordance with the requirements in Section 17(b) of the National Management Act of 1976, P.L. 94-588 (90 Stat. 2949). Submitted June 27, 2011.

USDA: Recommendation of moving forward with the proposed Belleview School District purchase to as Submission No. 17/16-17. In accordance with the requirements in Section 17(b) of the National Management Act of 1976, P.L. 94-588 (90 Stat. 2949). Submitted June 27, 2011.

USDA: Report "Grassland to Cropland Conversion in the Northern Plains; The Role of Crop Insurance, Commodity, and Disaster Programs" as required by Manager's Report accompanying H.R. 2419, the Food, Conservation, and Energy Act of 2008. Submitted June 22, 2011.

FDA: Letter requesting a response on FDA's possible ban of extralabel use of cephalosporin. Submitted June 24, 2011.

USDA: Letter regarding USDA's Forest Service efforts to develop regulations for activities associated with the development of non-Federal mineral interests underlying National Forest System (NFS) lands. Submitted June 27, 2011.

National Academy of Sciences: Letter to EPA with concerns to further expand its regulatory coverage over transgenic crops. Submitted July 5, 2011.

FCA: Letter addressing the financial regulatory agencies regarding the Dodd-Frank Wall Street Reform and Consumer Protection Act implementation process. Submitted July 7, 2011.

USDA: In compliance with P.L. 92-463, the Federal Advisory Committee Act, enclosed are copies of 2 recent approved committee charters: Re-establishment of the Northwest Forest Plan Provincial Advisory Committees; and Agricultural Marketing Service, Fruit and Vegetable Programs. Submitted June 25, 2011.

FDIC: Thank you letter for comments to Chairman Bair regarding the Joint Agency Proposed Rule to implement Section 941 of the Dodd-Frank Wall Street Reform and Consumer Protection Act concerning credit risk retention. Submitted June 30, 2011.

CFTC: Report on enhanced supervision of systemically important clearing entities as required by Title VIII, Section 813 of the Dodd-

Frank Wall Street Reform and Consumer Protection Act of 2010. Submitted July 1, 2011.

USDA: Notification of AMS intention to terminate Marketing Order 916 and certain provisions of Marketing Order 917. The orders regulate the handling of nectarines and peaches grown in California. Submitted July 5, 2011.

USDA: As required by section 14216 of the Food, Conservation, and Energy Act of 2008—reporting on “Consideration of Proposed Recommendations of Study on Use of Cats and Dogs in Federal Research.” Submitted July 8, 2011.

SEC: Letter regarding the implementation of Title VII of the Dodd-Frank Act. Submitted July 8, 2011. Submitted July 8, 2011.

USAID: Formal response for the USAID to the GAO report entitled “International Food Assistance: Better Nutrition and Quality Control Can Further Improve U.S. Food Aid.” Submitted July 14, 2011.

EPA: FACA Charter renewing the Environmental Laboratory Advisory Board. Submitted July 15, 2011.

Senate of South Carolina Committee on Agriculture and Natural Resources: Letter regarding South Carolina tobacco farmers and the Trans Pacific Pact Free Trade Agreement. Submitted July 18, 2011.

FCA: Proposed amendments to title 12, chapter VI of the *Code of Federal Regulations* as promulgated by the Farm Credit Administration. Submitted July 18, 2011.

GAO: Acknowledging request for the GAO to review the implications of categorical eligibility for the Supplemental Nutrition Assistance Programs. Submitted July 19, 2011.

DHHS: Report entitled as “Organic Content Claims.” Submitted July 20, 2011.

FCA: Report as required by section 939A of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Submitted July 21, 2011.

EPA: As required by section 25(a) of FIFRA a draft rule entitled “Prions; Proposed Amendment to Clarify Product Performance Data for Products with Prion-Related Claims and Availability of Draft Test Guidelines.” Submitted July 27, 2011.

EPA: Charter Renewal of the Clean Air Scientific Advisory Committee in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App 2. Submitted July 29, 2011.

USDA: Recommendation of moving forward with the proposed Monroe County Board of Education purchase referred to as Submission No. 22/7–27. Submitted August 2, 2011.

USDA: Letter regarding the ongoing study that requires the Department of Agriculture to conduct a study of the efficacy and accuracy of the application s of pact factors regarding the measurement of farm-stored production for purposes of insurance under the Federal Crop Insurance Act. Submitted August 3, 2011.

USDA: Letter recommending moving forward with the proposed Sugar Pine Ridge purchase referred to as Submission No. 21/7–19 within Laurel County, Kentucky on the Daniel Boone National Forest. Submitted August 9, 2011.

USDA: Pursuant to Senate Report 111–221 accompanying the Appropriations Bill of 2011, a report on FSIS’s implementation of the catfish inspection program. Submitted August 10, 2011.

Department of the Treasury: Quarterly report for the period July 1 thru September 20, 2011 submitted under section 906(b) of the Trade Sanctions Reform and Export Enhancement Act of 2011. Submitted August 10, 2011.

CFTC: Report Titled as the “Financial Stability Oversight Council, 2011 Annual Report.” Submitted August 10, 2011.

USAID: Formal response to GAO report entitled “International Food Assistance: Funding Development Projects through the Purchase and Sale of U.S. Commodities is Inefficient and Can Cause Adverse Market Impacts”, including four recommendations. Submitted August 29, 2011.

GAO: Notice of a major rule promulgated by the CFTC entitled “Whistleblower Incentives and Protection”. Published in the *Federal Register* as a final rule on August 25, 2011, with an effective date of October 24, 2011. Letter submitted September 9, 2011.

New Mexico Department of Agriculture: Letter of support for Kingston and Calvert amendments to Interior and Environment Commerce-Justice-Science appropriations bills that address challenges associated with the Endangered Species Act. Submitted September 14, 2011.

EPA: Letter from Administrator Jackson announcing the renewal of the Children’s Health Protection Advisory Committee in accordance with the provisions of the Federal Advisory Committee Act. Submitted September 16, 2011.

GAO: Notice of a major rule promulgated by the CFTC entitled “Swap Data Repositories: Registration Standards, Duties, and Core Principles.” Published in the *Federal Register* as a final rule on September 1, 2011. Submitted September 16, 2011.

Department of the Treasury: Quarterly report for the period October 1–December 31, 2010 submitted under section 906(b) of the Trade Sanctions Reform and Export Enhancement Act of 2000. Submitted September 19, 2011.

EPA: Letter sending a draft copy of a final rule entitled “Protections for Subjects in Human Research Involving Pesticides” as required by section 25(a) of FIFRA. Submitted November 3, 2011.

USDA: Notice of moving forward with the proposed Susan Miller purchase referred to as Submission No. 01/11–1. A 78.39 acre tract of land located in Taylor County, Wisconsin. Submitted November 1, 2011.

USDA: Submission of a draft report from the Farm Service Agency entitled “A Report to Congress on Base Acre Reduction When Base Acres are Converted to a Non-Agricultural Use” in accordance with Section 1101(c) of the Food, Conservation, and Energy Act of 2008. Submitted September 22, 2011.

USDA: Submission of a report from the Farm Service Agency entitled “A Report to Congress on Base Acre Reduction When Base Acres are Converted to a Non-Agricultural Use” in accordance with Section 1101(c) of the Food, Conservation, and Energy Act of 2008. Submitted September 29, 2011.

USDA: Submission of an annual as required by section 3205(h) of the Food, Conservation, and Energy Act of 2008 describing the activities of the Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products. Submitted November 22, 2011.

USDA: Letter informing of the actions taken at USDA in light of the funding reductions in the FY 2012 Agriculture Appropriations Act. Submitted October 4, 2011.

USDA: Notice of moving forward with the proposed Bear Canyon/Trail Creek Land Exchange referred to as No. 23/8–24. A land exchange located on the Gallatin National Forest within Gallatin County, Montana. Submitted October 17, 2011.

USAID: Submission of a report entitled as “U.S. International Food Assistance Report 2010” as required by Section 407 of the Food for Peace Act. Submitted October 19, 2011.

USDA: Submission of a report entitled as “Direct Certification in the National School Lunch Program: State Implementation Progress School Year 2010–2011” as required by section 4301 of the Food, Conservation, and Energy Act of 2008. Submitted November 1, 2011.

USDC: Submission of report on export licensing actions taken by the Department of Commerce’s Bureau of Industry and Security (BIS) relating to exports of agricultural commodities to Cuba, as required by the Trade Sanctions Reform and Enhancement Act of 2000. Submitted November 3, 2011.

EPA: Submission of draft proposed rule entitled “Pesticides; Revisions to Minimum Risk Exemption” as required by section 25(a)(3) of FIFRA. Submitted November 28, 2011.

USDA: Notice of moving forward with the proposed Mulberry Creek purchase referred to as Submission No. 25/9–28. A 517.27 acre tract of land located within Caldwell County, NC on the Pisgah National Forest. Submitted November 4, 2011.

USDA: Notice of moving forward with the proposed B&F Realty purchase referred to Submission No. 24/9–7. A 121.33 acre tract of land located in Bennington County, Vermont on the Green Mountain National Forest. Submitted November 4, 2011.

USDA: Submission of the USDA 2011 Conference Transparency Report as required by the Food, Conservation, and Energy Act of 2008. Submitted November 21, 2011.

OMB: Submission of a report to Congress on the Implementation of the Resource Conservation and Recovery Act, Farm Security and Rural Investment Act of 2002, and the Food, Conservation, and Energy Act of 2008. Submitted November 23, 2011.

FCA: Submission of proposed amendment to title 12, chapter VI of the *Code of Federal Regulations* as promulgated by the Farm Credit Administration. Submitted November 18, 2011.

FCA: Submission of the semiannual report by the Inspector General of the FCA for the period of April 1, 2011 through September 30, 2011, pursuant to section 5 of the Inspector General Act of 1978. Submitted November 18, 2011.

USDA: Submission of a report to Congress titled as “Biobased Economy Indicators”, as required by section 948 of the Energy Policy Act of 2005. Submitted November 30, 2011.

USDA: Semiannual Report to Congress published by the Office of Inspector General. Submitted December 2, 2011.

GAO: *Report on Commodity Futures Trading Commission: Position Limits for Futures and Swaps*, pursuant to section 801(a)(2)(A) of title 5 U.S.C. Submitted December 5, 2011.

USDA: Submission of proposed University of New Hampshire purchase referred to as Submission No. 02/12/1 as required by sec-

tion 17(b) of the National Forest management Act of 1976. The two tracts of land are located within Carroll County, New Hampshire on White Mountain National Forest. Submitted December 13, 2011.

CFTC: Semiannual Report of the Office of the Inspector General (OIG) of the Commodity Futures Trading Commission for the period from April 1, 2010 through September 30, 2010. Submitted December 15, 2011.

EPA: Charter Renewal of the Local Government Advisory Committee in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App 2. Submitted December 30, 2011. Submitted December 30, 2011.

USDC: Department of Commerce's Performance and Accountability Report for Fiscal Year 2011. Submitted December 22, 2011.

GAO: Commodity Futures Trading Commission: Investment of Consumer Funds and Funds Held in an Account for Foreign Options Transactions. Submitted January 3, 2012.

GAO: GAO Study on State Use of Broad-Based Categorical Eligibility for the Supplemental Nutrition Assistance Program (SNAP). Submitted January 5, 2012.

USDA: Federal Grain Inspection Service (FGIS) Annual Report to the U.S. Congress. Submitted January 5, 2012.

CFTC: Letter from Commissioner Bart Chilton regarding protection of customer funds in the MF Global operation. Submitted December 15, 2011.

USDA: In compliance with P.L. 92-463, the Federal Advisory Committee Act, enclosed is copy of the Committee Charter: National Advisory Committee for Implementation of the National Forest System Land Management Planning Rule. Submitted January 20, 2012.

GAO: Report on Commodity Futures Trading Commission: Real-Time Public Reporting of Swap Transaction Data, pursuant to section 801(a)(2)(A) of title 5 U.S.C. Submitted January 23, 2012.

NRCS: Report titled "Implementation Report for Natural Resources Conservation Services National Appeals Division Cases" as required by Section 14009 of Food, Conservation, and Energy Act. Submitted January 26, 2012.

GAO: Report on Commodity Futures Trading Commission: Swap Data record-keeping and Reporting Requirements, pursuant to section 801(a)(2)(A) of title 5 U.S.C. Submitted January 27, 2012.

U.S. Treasury: Submission of a quarterly report by section 906(b) of the Trade Sanction Reform and Export Enhancement Act of 2000 describing the activities of the Department of Treasury's Office of Foreign Assets Control. Submitted January 31, 2012.

CFTC: Joint Study of International Swap Regulation pursuant to the requirements of section 719(c) of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Submitted February 1, 2012.

USDA: In compliance with P.L. 92-463, the Federal Advisory Committee Act, enclosed is a copy of a recently approved Committee Charter: National Urban and Community Forestry Advisory Council. Submitted February 1, 2012.

GAO: Pursuant to section 801(a)(2)(A) of title 5, U.S.C., a report on a major rule promulgated by the Dept. of Agriculture, Food and Nutrition Service: Nutrition Standards in the National School Lunch and School Breakfast Programs. Submitted February 15, 2012.

GAO: Pursuant to section 801(a)(2)(A) of title 5, U.S.C., a report on a major rule promulgated by the CFTC, entitled “Business Conduct Standards for Swap Dealers and Major Swap Participants With Counterparties.” Submitted March 5, 2012.

GAO: Pursuant to section 801(a)(2)(A) of title 5, U.S.C., a report on a major rule promulgated by the CFTC, entitled “CFTC Protection of Cleared Swaps Customer Contracts and Collateral; Conforming Amendments to the Commodity Broker Bankruptcy Provisions.” Submitted February 22, 2012.

USDA: In compliance with P.L. 92-463, the Federal Advisory Committee Act approved Charter: Black Hills National Forestry Advisory Board. Submitted February 29, 2012.

EPA: Charter of the Environmental Financial Advisory Board in accordance with the provisions of the Federal Advisory Committee, 5 U.S.C. App 2. Submitted March 9, 2012.

USDA: The 2011 Packers and Stockyards Program Annual Report as required by the Packers and Stockyards Act, 1921, as amended. Submitted March 1, 2012.

EPA: Draft copy of a final rule entitled “Synchronizing the Expiration Dates of EPA Pesticide Applicator Certificates with the Underlying State or Tribal Applicator Certificate” as required by FIFRA. Submitted March 12, 2012.

USDA: Report on the Evaluation of the Rural Development, Business and Industry Guaranteed Loan Program Financing of Locally or Regionally Produced Food Products. Submitted March 15, 2012.

USDA: AMS National Organic Program Cost-Share Programs 2012 Report to Congress as required by section 10301 of the Food, Conservation, and Energy Act of 2008. Submitted March 19, 2012.

USDA: Colony Collapse Disorder 2010 Annual Report as required by section 7204(h)(4) of the Food, Conservation, and Energy Act of 2008. Submitted March 23, 2012.

USDA: The Federal Information Security Management Act Report for fiscal year 2011. Submitted March 23, 2012.

USDA: Review and recommendation of moving forward with the Sugar Creek Gap Land Exchange, referred to as Submission No. 03/12-13 located in the Nantahala National Forest. Submitted March 29, 2012.

USDA: Review and Recommendation of moving forward with the Estep/Wangelin purchase referred to as Submission No. 05/01-30 located in Ripley County, Missouri on the Mark Twain National Forest. Submitted March 29, 2012.

GAO: Pursuant to section 801(a)(2)(A) of title 5, U.S.C., a report on a major rule promulgated by the CFTC entitled “CFTC Swap Dealer and Major Swap Participant record-keeping, Reporting, and Duties Rules; Futures Commission Merchant and Introducing Broker Conflicts of Interest Rules; and Chief Compliance Officer Rules for Swap Dealers, Major Swap Participants, and Futures Commission Merchants.” Submitted April 18, 2012.

USDC: Report to Congress relating to exports of agricultural commodities to Cuba from October through December 2012. Submitted February 2, 2012.

USDA: Pursuant to 17.108(a) of the Federal Acquisition Regulations stipulates that any multi-year contract with a cancellation ceiling in excess of \$12.5 million may not be awarded until the



head of the Agency gives written notification of the proposed contract and cancellation. Submitted May 25, 2012.

USDA: Report of the status and disposition of cases returned to the agency by the National appeal Division (NAD) as required by section 14009 of the Food, Conservation, and Energy Act of 2008. Submitted March 12, 2012.

USDA: Letter to Chairman Lucas in response to issues raised regarding placing a moratorium on the implementation of the ski area water clause. Submitted April 2, 2012.

USDA: Letter to Chairman Lucas in response regarding Taiwan's unwarranted restrictions on meat imports from the United States. Submitted April 27, 2012.

FCA: Semiannual report by the Inspector General of the FCA for the period of October 1, 2011 thru March 31, 2012. Submitted May 7, 2012.

CFTC: Charter for the Commission's renewal of the Joint CFTC-SEC Advisory Committee pursuant to section 14 of the Federal Advisory Committee Act, 5 U.S.C. App. 2 section 14 relevant implementing regulations and guidelines. Submitted May 8, 2012.

USDA: Recommendation on moving forward with the proposed Land Trust for the Little TN purchase referred to as Submission No. 08/05-09. Submitted May 11, 2012.

GAO: Report on major rule promulgated by the USDA Food and Nutrition Service entitled "Certification of Compliance With Meal Requirements for the National School Program Under the Healthy-Hunger Kids Act of 2010." Submitted May 15, 2012.

USDA: Copy of USDA's annual report on civil rights complaints, resolutions, and actions, corresponding to Fiscal Year 2011, in accordance with the requirements of the Food, Conservation, and Energy Act of 2008. Submitted May 30, 2012.

USDA: Copy of Administrative Expenses for Programs Established under the Commodity Promotion Laws as required by section 501(d) of the Federal Agriculture Improvement and Reform Act of 1996. Submitted June 4, 2012.

GAO: Copy of the CFTC and SEC report entitled "Further Definition of 'Swap Dealer,' 'Security-Based Swap Dealer,' 'Major Swap Participant,' 'Major Security-Based Swap Participant' and 'Eligible Contract Participant'" as required by section 801(a)(2)(A) of title 5 U.S.C. Submitted June 7, 2012.

USDA: Charter titled as the "National Agricultural Statistics Service, Agricultural Statistics Board" in compliance with P.L. 92-463, the Federal Advisory Committee Act. Submitted June 4, 2012.

EPA: Charter titled as the "Great Lakes Advisory Board" in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. Submitted June 15, 2012.

USDA: Report on implementation of concluded appeals to the National Appeals Division (NAD) from the Risk Management Agency (RMA) as required by section 14009(b) of the Food, Energy, and Conservation Act of 2008. Submitted June 15, 2012.

USDC: Report relating to exports of agricultural commodities to Cuba from April through June 2012, as required by the section 906(b) of the Trade Sanctions Reform and Export Enhancement Act of 2000. Submitted June 1, 2012.

USDA: Committee Charter on the Secure Rural Schools Act Resource Advisory Committee as required by P.L. 92-463, the Federal Advisory Committee Act. Submitted June 8, 2012.

USDA: Committee Charter on the Collaborative Forest Restoration Program Technical Advisory Panel as required by P.L. 92-463, the Federal Advisory Committee Act. Submitted June 14, 2012.

CFTC: Charter of the Agricultural Advisory Committee pursuant to section 9(c) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, section 9(c). Submitted July 18, 2012.

USDA: Proposed Eagle Valley land Exchange, referred to as Submission No. 11/6-14 as required by section 17(b) of the National Forest Management Act of 1976, P.L. 94-588. Submitted June 21, 2012.

CFTC: Charter of the Global Markets Advisory Committee pursuant to section 14 of the Federal Advisory Committee Act, 5 U.S.C. App. 2, Section 14. Submitted June 27, 2012.

Office of the Special Counsel: Pursuant to 5 U.S.C. Section 1213(e)(3) a agency report based on a disclosure from a employee of the USDA, Rural Development (RD) Minot, North Dakota. Submitted July 13, 2012.

USDA: Report title "U.S. Specialty Crops Trade Issues" as directed by section 3203(d) of the Food, Conservation, and Energy Act of 2008. Submitted July 2, 2012

GAO: Report on a major rule promulgated by the CFTC titled "Core Principles and Other Requirements for Designated Contract Markets" pursuant to section 801(a)(2)(A) of title 5, U.S.C. Submitted July 3, 2012.

USDA: Report titled "Foreign Holdings of U.S. Agricultural Land Through December 31, 2010" compiled by the Farm Service Agency. Submitted July 3, 2012.

EPA: Final Rule entitled "Declaration of Prion as Pest Under FIFRA" as required by section 25(a)(3) of FIFRA. Submitted August 2, 2012.

EPA: Final Rule entitled "Pesticides; Regulation to Clarify Labeling of Pesticides for Export" and identified in the Regulatory Agency under RIN 2070-AJ53. Submitted August 2, 2012.

USDA: Proposed Purchase of the Georgia Mountain and Rivers project located in Gilmer County, Georgia on the Chattahoochee-Oconee National Forest. Submitted August 2, 2012.

USDA: Proposed Purchase of the Lawrence E. White referred to as Submission No. 14/06-27 located within Bennington County, Vermont on the Green Mountain National Forest. Submitted August 2, 2012.

Department of Treasury: Two Reports titled "Biennial Report of Licensing Activities" pursuant to section 906(c) of the Trade Sanctions Reform and Export Enhancement Act of 2000. Submitted August 7, 2012.

USDA: Report titled "Office of the Inspector General USDA Management Challenges" . Submitted August 16, 2012.

EPA: Charter of the National Advisory Committee in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2 with the Library of Congress. Submitted August 24, 2012.

GAO: Report on major rule promulgated by the CFTC and SEC entitled "Further Definition of "Swap," and "Security-Based Swap

agreement”; Mixed Swaps; Security-Based Swap agreement record-keeping’. Submitted August 28, 2012.

CFTC: Letter to House and Senate Committee on Agriculture from Commissioner Bart Chilton regarding futures customer losses. Submitted July 23, 2012.

GAO: Report on the internal controls created to carry out the terms of the settlement of In re Black Farmers Discrimination Litigation (Pigford II) as directed by the Claims Resolution Act of 2012. Submitted July 31, 2012.

USDA: Notice of the Agricultural Marketing Service to release a copy of the current list of California pistachio growers covered by a Federal Marketing Order, as required by section 1663 of the Food Security Act of 1985. Submitted August 7, 2012.

FCA: Proposed amendments to title 12, chapter VI of the *Code of Federal Regulations* as promulgated by the Farm Credit Administration. Submitted August 9, 2012.

USDA: Charter Act on the National Advisory Council on Material, Infant and Fetal Nutrition in compliance with P.L. 92-463, the Federal Advisory Committee Act. Submitted August 14, 2012.

USDA: Charter Act on the Advisory Committee on Animal Health and the General Conference Committee of the National Poultry Improvement Plan in compliance with P.L. 92-463, the Federal Advisory Committee Act. Submitted August 21, 2012.

USDI: Letter pursuant to the FLAME Act of 2009 which directs the Secretary of the Interior to notify relevant congressional committees if the Secretary estimates that only 60 days worth of funds remain in the FLAME Wildfire Suppression Reserve Fund. Submitted August 23, 2012.

GAO: Report on a major rule promulgated by the CFTC and the SEC entitled Further Definition of Swap, Security-Based Swap, Security-Based Swap Agreement, Mixed Swaps, and Security-Based Swap Agreement record-keeping. Submitted August 28, 2012.

NRCS: Report entitled “State Payment Statistics Related to Enrollments in Selected Conservation Programs” as required by section 1241(4) of the Food, Conservation, and Energy Act of 2008. Submitted August 28, 2012.

USDA: Report “Ensuring Access to Nutrition Information for School Food Authorities: A Report to Congress” as required by section 9(a)(4)(C) of the Richard B. Russell National School Lunch Act. Submitted August 31, 2012.

EPA: FACA Charter Renewing the Good Neighbor Environmental Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. Submitted September 2012.

USDA: Report on the National Dairy Promotion and Research Program and the National Fluid Milk Processor Promotion Program as required by the Dairy Production Stabilization Act of 1983. Submitted September 12, 2012.

USDA: Forest Service purchase of the Board Commissioners Whiting Creek located within Forest County, Wisconsin on Chequamegon-Nicolet National Forest in accordance with the requirements in Section 17(b) of the National Forest Management Act of 1976. Submitted September 12, 2012.

USDA: Forest Service purchase of the Delta Plantation Land Exchange located within Union County, South Carolina on the Sumter Mountain National Forest in accordance with the requirements

in Section 17(b) of the National Forest Management Act of 1976. Submitted September 13, 2012.

USDA: Forest Service purchase of the Davis Land Exchange located on the Francis Marion and the Sumter National Forests within Edgefield County, South Carolina in accordance with the requirements in Section 17(b) of the National Forest Management Act of 1976. Submitted September 13, 2012.

USDI: Copy of the Invasive Species Advisory Committee charter as required by the GSA regulation at 41 CFR part 102-3. Submitted September 14, 2012.

EPA: Charter renewal of the Gulf of Mexico Citizen Advisory Committee in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. Submitted September 14, 2012.

FCA: Final Rule adopted by the Farm Credit Administration Board under provisions of the Farm Credit Act of 1971, as amended. Disclosure to Investors in System-wide and Consolidated Bank Debt Obligations of the Farm Credit System, System Committee. Submitted September 20, 2012.

FCA: Final Rule adopted by the Farm Credit Administration Board under of the Farm Credit Act of 1971, as amended. Compensation, Retirement Programs, and Related Benefits. Submitted September 20, 2012.

USDA: Report on the Activities of the Foreign Market Development Cooperator Program as required by section 702 of the agricultural Trade Act of 1978. Submitted September 24, 2012.

USDA: Forest Service purchase of the Thunderstruck Phase II located within Randolph County, West Virginia on the Monongahela National Forest in accordance with the requirements in Section 17(b) of the National Forest Management Act of 1976. Submitted September 26, 2012.

USDT: Quarterly report of Licensing Activities for the period January 1 thru March 31, 2012, as required by section 906(b) of the Trade Sanction Reform and Export Enhancement Act of 2000. Submitted October 4, 2012. (

USDT: Quarterly report of Licensing Activities for the period April 1, thru June 20, 2012, as required by section 906(b) of the Trade Sanction Reform and Export Enhancement Act of 2000. Submitted October 4, 2012.

USDA: Charter of the General Conference Committee of the National Poultry in compliance with P.L. 92-463, of the Federal Advisory Committee Act. Submitted October 4, 2012.

USDC: Quarterly Report to the Congress on Activities Undertaken by the Department of Commerce Pursuant to Section 906(b) of the Trade Sanctions Reform and Export Enhancement Act of 2000. Submitted October 11, 2012.

USDA: Forest Service purchase of the Blanton Integra located in Orange County, IN on the Hoosier National Forest. Weeks Law cases with values of \$150,000 or more are submitted to Chairman in accordance with the requirements in Section 17(b) of the National Forest Management Act of 1976, P.L. 94-588 (90 Stat. 2949), as amended. Submitted October 12, 2012.

CMOC: Letter from Commodity Markets Oversight Coalition and undersigned organization to voice support for the efforts of the CFTC to implement Speculative Position Limits in accordance with

the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2012 (P.L. 111–203). Submitted October 18, 2012.

EPA: Secretary Jackson support for the charter renewal of the Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. Submitted October 19, 2012.

HHS: Letter from Chairman Lucas to HHS Secretary Sebelius regarding “Indicators of Welfare Dependence” as required by current law. Asks when the next report will be issued and why HHS has failed to report this under Sec Sebelius. Submitted October 21, 2012.

EPA: Secretary Jackson support for the charter renewal of the Clean Air Advisory Committee in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. Submitted October 26, 2012.

USDC: Biennial Report to the Congress on Activities Undertaken by the Department of Commerce Pursuant to Section 906(c) of the Trade Sanctions Reform and Export Enhancement Act of 2000. Submitted October 31, 2012.

USDA: In compliance with P.L. 92–462, the Federal Advisory Committee Act, enclosed is a copy of a recently approved committee charter: Advisory Committee on Universal Cotton Standards. Submitted October 18, 2012.

EPA: Renewal of the National Environmental Education Advisory Council (NEEAC) and the Advisory Council on Clean Air Compliance Analysis (ACCACA). Submitted November 9, 2012.

USDA: In compliance with Title IX, Section 9007 of the Food, Conservation, and Energy Act of 2008 Conference Report 100–67, attached is “Rural Energy for America Program: A Report to Congress on the Implementation and Outcomes.” Submitted November 13, 2012.

FCA: Performance and Accountability Report for Fiscal Year 2012, as provided by the Farm Credit Administration. Submitted November 14, 2012.

USDA: “Direct Certification in the National School Lunch Program State Implementation Progress, SY 2011–2012 Report to Congress.” Report responds to the requirements of section 4201 of the Food, Conservation, and Energy Act of 2008 (P.L. 110–246). Submitted November 28, 2012.

USAID: Pursuant to Sec 537 of P.L. 100–202, the agency report to Congress, “Multilateral Development Banks’ Assistance Proposals Likely to Have Adverse Impacts on the Environment, Natural Resources, Public Health, and Indigenous Peoples.” Submitted November 29, 2012.

DOT: In compliance with, CEA sec. 1a(47)(E)(ii), Department of Treasury is submitting the Final Determination in which the Secretary has determined that an exemption from the definition of “swap”. Submitted November 16, 2012.

EPA: Renewal Charter of the National Drinking Water Advisory Council in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. Submitted December 14, 2012.